CHAPTER 11

DRIVER'S LICENSE

SUBCHAPTER 1

GENERAL PROVISIONS

§1251. License required

1. Violation. Except as provided in section 510, subsection 1, a person commits an offense of operating a motor vehicle without a license if that person operates a motor vehicle on a public way or parking area:

A. Without being licensed. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; [PL 2003, c. 452, Pt. Q, §17 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. In violation of a condition or restriction on the license. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; [PL 2003, c. 452, Pt. Q, §17 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Without a license issued by this State if a resident of this State for more than 30 days but fewer than 90 days. Violation of this paragraph is a traffic infraction; [PL 2005, c. 314, §5 (AMD).]

D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or [PL 2005, c. 314, §5 (AMD).]

E. Unless a permit is issued pursuant to subsection 7, with a license issued by this State that expired within the previous 90 days. Violation of this paragraph is a traffic infraction. [PL 2013, c. 24, §1 (AMD).]

[PL 2013, c. 24, §1 (AMD).]

1-A. Residents required to obtain license. Within 30 days of becoming a resident of this State, a person shall apply to obtain a license in accordance with section 1301. Except as provided in section 510, subsection 1, a person who fails to comply with the requirement of this subsection and operates a motor vehicle on a public way or parking area commits a traffic infraction. If the person has been a resident for at least 90 days the penalty is a fine of not less than $150 and not more than $500.

A. [PL 2025, c. 165, §1 (RP).]

B. [PL 2025, c. 165, §1 (RP).]

[PL 2025, c. 165, §1 (AMD).]

2. Penalty.

[PL 2003, c. 452, Pt. Q, §18 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Issue restrictions. A person may not receive a license unless:

A. That person surrenders all valid licenses in that person's possession issued by any jurisdiction; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State is satisfied that the applicant is a proper person to receive a license. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Number limited. A person may not have more than one valid license, unless authorized by the Secretary of State. A person may not have more than one commercial license.
[RR 1993, c. 2, §19 (COR).]

5. Age limit. A license, except a special restricted license under section 1256, may not be issued to a person who has not attained 16 years of age.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Exemptions. The following people are exempt from the license requirements of this chapter:

A. A nonresident who is 16 years of age or older and who has in that person's possession a valid license or learner's permit issued by that person's state or province. A nonresident operator shall adhere to all restrictions applied to the license or learner's permit issued by that person's state or province. A nonresident who is not yet 16 years of age may not operate a motor vehicle; [PL 2013, c. 381, Pt. B, §10 (AMD).]

B. A person on active duty in the United States Armed Forces, if that person possesses:

(1) A valid license issued by that person's state of domicile; or

(2) For a period of 45 days after return from duty outside the United States, a valid license issued by the United States Armed Forces in foreign countries; [PL 1995, c. 482, Pt. B, §17 (AMD).]

C. A spouse of a member of the United States Armed Forces while accompanying that member on active duty assignment to this State, and who is not a resident of this State and who has a valid license issued by another jurisdiction; and [PL 1995, c. 482, Pt. B, §17 (AMD).]

D. A person operating a motor vehicle in a parking area under the supervision of an instructor during career and technical education as defined by Title 20-A, section 8301-A, subsection 2-A. [RR 2003, c. 2, §92 (COR).]
[PL 2013, c. 381, Pt. B, §10 (AMD).]

7. Temporary permit to operate a motor vehicle with an expired license. Upon stopping an operator of a motor vehicle who is in violation of subsection 1, paragraph E, a law enforcement officer may issue a permit to the operator of the motor vehicle to operate the motor vehicle to the operator's residence or to an office of the bureau for the sole purpose of renewing the operator's license.
[PL 2013, c. 24, §2 (NEW).]

SECTION HISTORY

RR 1993, c. 2, §19 (COR). PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A99 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 482, §§B17,18 (AMD). PL 1995, c. 584, §§B5,6 (AMD). PL 1999, c. 771, §C9 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2001, c. 687, §§13,14 (AMD). RR 2003, c. 2, §92 (COR). PL 2003, c. 452, §§Q17,18 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 314, §§5,6 (AMD). PL 2013, c. 24, §§1, 2 (AMD). PL 2013, c. 381, Pt. B, §10 (AMD). PL 2025, c. 165, §1 (AMD).

§1252. Classes

A license is not valid for the operation of a vehicle unless a class or restriction is indicated on the license. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Classes. There are 3 classes of licenses as follows:

A. A Class A license may be issued for the operation of a combination of vehicles with a gross vehicle weight rating of 26,001 or more pounds, if the gross vehicle weight rating or gross weight of the vehicles being towed is in excess of 10,000 pounds.

A holder of a Class A license may, with an appropriate endorsement, operate a vehicle in Class B or C; [PL 2013, c. 381, Pt. B, §11 (AMD).]

B. A Class B license may be issued for the operation of a single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds.

A holder of a Class B license may, with an appropriate endorsement, operate a vehicle in Class C; and [PL 2013, c. 381, Pt. B, §11 (AMD).]

C. A Class C license may be issued for the operation of a single motor vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

(1) A full-time or volunteer member of an organized municipal, state or federal fire department and a law enforcement officer who is a member of an organized municipal, state or federal law enforcement department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005) and to operate a commercial motor vehicle as a mobile command unit. For purposes of this subparagraph, "mobile command unit" means a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response;

(2) A person to operate recreational vehicles for personal use;

(3) A person to operate commercial motor vehicles for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);

(4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:

(a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;

(b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(c) Not used in the operation of a common or contract motor carrier; and

(d) Used within 150 miles of the registered owner's farm;

(5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

(a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or

(b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or

(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3. [PL 2019, c. 345, §4 (AMD).]

[PL 2019, c. 345, §4 (AMD).]

2. School bus or motorcycle. Operation of a school bus or motorcycle, other than an autocycle, requires a special endorsement on a license.

A nonresident school bus driver picking up and discharging school children or driving in conjunction with school-related activities may operate a vehicle with a certificate issued by the Secretary of State.

A school bus certificate may be issued only after the applicant has successfully passed the required examination.
[PL 2019, c. 345, §5 (AMD).]

3. Mopeds and motorized scooters. A moped or motorized scooter may not be operated:

A. By a person who does not possess a valid license of any class or a license specially endorsed to operate a motorcycle or a moped; or [PL 2005, c. 577, §15 (AMD).]

B. On an interstate highway or on a way on which a bicycle is prohibited. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2005, c. 577, §15 (AMD).]

4. Examination. The Secretary of State shall examine an applicant for the class for which the applicant applies.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Immediate examination.
[PL 2013, c. 381, Pt. B, §12 (AMD); MRSA T. 29-A §1252, sub-§5 (RP).]

6. Endorsement. The Secretary of State shall endorse each license with its class and a special endorsement for specific types of vehicles.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Violation. A person commits a Class E crime if that person operates a vehicle not included within the class of license issued to that person.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Employer's requirements. An employer may impose more stringent or additional qualifications, requirements or examinations than are imposed in this section or may require additional certificates.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §B11 (AMD). PL 1997, c. 437, §29 (AMD). PL 2001, c. 197, §5 (AMD). PL 2001, c. 486, §2 (AMD). PL 2005, c. 577, §§14,15 (AMD). PL 2005, c. 679, §2 (AMD). PL 2007, c. 383, §20 (AMD). PL 2011, c. 165, §1 (AMD). PL 2013, c. 381, Pt. B, §§11, 12 (AMD). PL 2019, c. 345, §§4, 5 (AMD).

§1253. Commercial licenses

1. Classifications. A Class A or Class B license, or a Class C license carrying an endorsement under subsection 3, is a commercial license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 113 Stat. 1748 and regulations adopted under those Acts in issuing or suspending a commercial license. In the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. To ensure compliance, the Secretary of State shall adopt rules, administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments.

These compliance measures must include, but are not limited to, provisions that:

A. Provide for full state participation in the national commercial driver's license clearinghouse; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Require commercial drivers to have a single license; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Protect public safety by removing from public ways a commercial driver who has:

(1) Operated or attempted to operate a commercial vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

(2) Refused to submit to or complete a lawfully requested test to determine that driver's alcohol level; or

(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; [PL 2023, c. 108, §1 (AMD); PL 2023, c. 108, §4 (AFF).]

E. Provide maximum safety on public ways; and [PL 2023, c. 108, §2 (AMD); PL 2023, c. 108, §4 (AFF).]

F. Allow for the reinstatement, in accordance with 49 Code of Federal Regulations, Section 383.51(a)(6) (2023), of a commercial license of any driver who has been disqualified for life from operating a commercial motor vehicle for offenses described in paragraphs (b)(1) to (b)(8) of Table 1 to 49 Code of Federal Regulations, Section 383.51 (2023). [PL 2023, c. 108, §3 (NEW); PL 2023, c. 108, §4 (AFF).]

[PL 2023, c. 108, §§1-3 (AMD); PL 2023, c. 108, §4 (AFF).]

3. Endorsements for double or triple trailers, buses, tank vehicles or hazardous materials. Operation of a double or triple trailer, bus or tank vehicle requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

A person who applies for or receives a hazardous material endorsement must comply with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

[PL 2013, c. 381, Pt. B, §13 (AMD).]

4. Air brakes. If an applicant either fails the air brake component of the examination under subsection 3 or performs the examination in a vehicle not equipped with air brakes, that person is prohibited from operating a commercial motor vehicle equipped with air brakes. The license must be so restricted.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Operation with an alcohol level of 0.04 grams or more or under the influence of intoxicating liquor or drugs. The Secretary of State shall suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle

while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of intoxicating liquor or drugs.

The period of suspension must satisfy the regulations adopted by the United States Secretary of Transportation under the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII.
[PL 2009, c. 447, §28 (AMD).]

6. Human trafficking prevention; information. A commercial driver's license issued or renewed by the Secretary of State must be accompanied by information that outlines how to recognize human trafficking and how to report human trafficking and includes a telephone number for a national human trafficking hotline.
[PL 2017, c. 192, §1 (NEW).]

7. Conviction for severe forms of trafficking in persons. The Secretary of State shall permanently revoke, without preliminary hearing, the commercial driver's license of a person who has been convicted of a felony involving an act or practice of severe forms of trafficking in persons, as defined in 22 United States Code, Section 7102.11 (2000), in which a commercial motor vehicle was used.
[PL 2023, c. 257, §12 (NEW).]

8. Query of drug and alcohol clearinghouse. Beginning no later than November 18, 2024, the Secretary of State shall query the Federal Motor Carrier Safety Administration's drug and alcohol clearinghouse prior to the issuance, upgrade, renewal or transfer of a commercial driver's license or a commercial learner's permit and shall deny the transaction and initiate downgrade procedures if the query results indicate the driver is prohibited from operating a commercial motor vehicle.
[PL 2023, c. 634, §23 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 434, §§15,16 (AMD). PL 2003, c. 434, §37 (AFF). PL 2003, c. 652, §B6 (AMD). PL 2003, c. 652, §B8 (AFF). PL 2005, c. 433, §15 (AMD). PL 2009, c. 447, §§27, 28 (AMD). PL 2013, c. 381, Pt. B, §13 (AMD). PL 2017, c. 192, §1 (AMD). PL 2023, c. 108, §§1-3 (AMD). PL 2023, c. 108, §4 (AFF). PL 2023, c. 257, §12 (AMD). PL 2023, c. 634, §23 (AMD).

§1254. Special licenses

1. Motorcycles. The Secretary of State may issue a license specifically endorsed for the operation of a motorcycle with the same requirements as a motor vehicle license. A motor vehicle license does not authorize operation of a motorcycle unless the license is endorsed for that vehicle. This subsection does not apply to the operation of an autocycle.
[PL 2019, c. 345, §6 (AMD).]

2. Moped license. The Secretary of State may issue a license to operate a moped. An applicant must have attained 16 years of age and must pass an examination on qualifications to operate a moped. The examination fee and license fee for a moped license is the same as for a Class C license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Motorized bicycle, tricycle or scooter operator. A motorized bicycle or tricycle or motorized scooter may only be operated by a person who possesses a valid license of any class, a learner's permit or a license endorsed for a motorcycle or moped. The Secretary of State may not require the operator of a motorized bicycle or tricycle or motorized scooter to obtain a license endorsed for a motorcycle or moped.
[PL 2013, c. 381, Pt. B, §14 (AMD).]

4. Forms. The Secretary of State shall prepare forms for applications under this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 170, §2 (AMD). PL 2005, c. 577, §§16,17 (AMD). PL 2013, c. 381, Pt. B, §14 (AMD). PL 2019, c. 345, §6 (AMD).

§1255. Members of the Armed Forces

1. Privileges. A resident who is serving on active duty in the United States Armed Forces and otherwise qualified to operate a motor vehicle:

A. Must receive a license or nondriver identification card on application to the Secretary of State; [PL 2013, c. 51, §1 (AMD).]

B. Is exempt from the payment of a fee for a license or nondriver identification card; [PL 2013, c. 51, §1 (AMD).]

C. May operate a motor vehicle, notwithstanding the expiration date of that person's license, without obtaining a new license; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Shall, while operating a motor vehicle, carry conclusive evidence of membership in the Armed Forces. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2013, c. 51, §1 (AMD).]

2. After discharge. The privileges of this section remain in effect for a period of 180 days after discharge or release from the Armed Forces.
[PL 2013, c. 51, §2 (AMD).]

3. Revocation or suspension. This section does not permit a person whose license or right to operate is revoked or suspended or who has been refused a license to operate a motor vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2013, c. 51, §§1, 2 (AMD).

§1256. Special restricted license

A person who is 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational, employment or medical need. [PL 2021, c. 216, §36 (AMD).]

1. Educational need. A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, has held a permit for a period of 6 months and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

(1) A signed notarized statement from the applicant and the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) 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 Education or a career and technical education center or region that the applicant is attending;

(2) A verification of school attendance; and

(3) A statement by the principal of the school of the lack of a readily available alternative means of transportation. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 545, §5 (REV).]

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4). [PL 2013, c. 606, §2 (AMD).]

[PL 2021, c. 216, §36 (AMD).]

2. Employment need. A person seeking to qualify for a special restricted license based on employment need must file an application. If the applicant qualifies under paragraph A, has held a permit for a period of 6 months and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

(1) A signed, notarized statement from the applicant and the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and

(2) A verification of employment by the employer. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4). [PL 2013, c. 606, §3 (AMD).]

[PL 2021, c. 216, §36 (AMD).]

2-A. Medical need. A person seeking to qualify for a special restricted license based on medical need must file an application. The Secretary of State may grant a person who is 15 years of age a special restricted license under circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety and if that person has held a permit for a period of 6 months and completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The Secretary of State may reduce the required minimum hours of driving under this subsection if the secretary determines a reduction is not inconsistent with the interest of highway safety.

A. An application must include:

(1) A signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity; and

(2) A signed, notarized statement from the applicant or the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation in connection with circumstances of medical necessity that are experienced by the person or a member of the person's immediate family. [PL 2013, c. 606, §4 (NEW).]

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4). [PL 2013, c. 606, §4 (NEW).]

[PL 2021, c. 216, §36 (AMD).]

3. Suspension of provisional license. A special restricted license is a provisional license. Notwithstanding chapter 23, subchapter 3, article 2 and in addition to section 1302, subsection 2, the Secretary of State shall suspend a special restricted license when:

A. The holder is convicted of or adjudicated to have committed a violation of the license restriction or of a motor vehicle moving violation when holding a special restricted license. A person whose license is suspended pursuant to this paragraph is not entitled to another special restricted license; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State receives written notice from the holder, parent, guardian, physician, principal or employer that the holder no longer qualifies for a special restricted license. [PL 2013, c. 606, §5 (AMD).]

[PL 2021, c. 216, §36 (AMD).]

4. Hearing.

[PL 2011, c. 654, §1 (RP).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 737, §1 (AMD). PL 2001, c. 671, §§21,22 (AMD). PL 2003, c. 545, §5 (REV). PL 2011, c. 654, §1 (AMD). PL 2013, c. 606, §§1-5 (AMD). PL 2015, c. 473, §§12, 13 (AMD). PL 2021, c. 216, §36 (AMD).

§1257. Restricted licenses

The Secretary of State may restrict a license to operation: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Specific vehicle. Of a specified vehicle;

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Daylight. During daylight hours;

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Area operation. Within a designated area; or

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Other. Under any other restriction or condition that the Secretary of State determines is in the interest of highway safety.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1258. Medical Advisory Board

1. Board. The Medical Advisory Board, as established by Title 5, section 12004-I, subsection 84, consists of members appointed by the Secretary of State. Membership of the board is as follows.

A. The board must include licensed physicians representing the specialties of cardiology, gerontology, internal medicine, neurology or neurological surgery, ophthalmology, psychiatry, family practice and rehabilitative medicine and may include additional members who are professionals in relevant medical fields. [PL 1995, c. 482, Pt. B, §19 (AMD).]

B. The Secretary of State shall designate the chair of the board. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Members of the board are entitled to compensation in accordance with Title 5, chapter 379. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1995, c. 482, Pt. B, §19 (AMD).]

2. Duties. The duties of the board are as follows.

A. The board shall meet at least once every 2 years and may hold as many meetings as necessary. [PL 2005, c. 433, §17 (AMD); PL 2005, c. 433, §28 (AFF).]

B. The board shall advise the Secretary of State on written medical and vision standards related to operator's licensing. Standards may only be adopted as rules. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The board shall coordinate efforts to educate health care providers and the public in the medical aspects of motor vehicle operator licensing. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2005, c. 433, §17 (AMD); PL 2005, c. 433, §28 (AFF).]

3. Determination of competency. The Secretary of State may request written medical reports to determine who receives records, testimony, recommendations and reports of the board and determine the competency of a person to operate a motor vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Board review. The Secretary of State, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the board, a member of the board or another medical or paramedical professional licensed or certified in a medical specialty as follows.

A. The board may formulate advice from records and reports or may cause an examination and report to be made by a member or another qualified person. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The person under review may deliver a written report to the board and the board must give due consideration to the report. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The Secretary of State may request that the board interview in person someone whose ability to operate a motor vehicle safely is unascertainable through written reports or records. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Suspension pending compliance. The license of a person under review who refuses to submit to an examination or to provide information as requested by the Secretary of State pursuant to this subchapter may be suspended until the individual complies with the request.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Immunity. A member of the board or other person making an examination and report of opinion, recommendation or advice to the Secretary of State in good faith is immune from criminal or civil liability for so doing. A physician or other person who becomes aware of a physical, mental or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the Secretary of State in good faith is immune from criminal or civil liability for so doing. The immunity for damages under this subsection applies only to the extent that this immunity is not in conflict with federal law or regulation.

[RR 1993, c. 2, §20 (COR).]

7. Confidentiality. A report received or made by the board, a member or the Secretary of State for the purpose of assisting the Secretary of State in determining whether a person is qualified to be licensed is confidential and only for the use of the board, the Secretary of State, medical personnel treating the person subject to review and the person subject to review.

These reports may not be divulged to another person unless the person subject to review gives written permission.
[PL 2015, c. 206, §5 (AMD).]

8. Reporting. Notwithstanding the provisions of Title 5, section 12005-A, the board is not required to file an annual report with the Secretary of State unless the board meets and exercises any of its powers and duties during a calendar year. In any calendar year in which the board meets and exercises any of its powers and duties, the board is subject to the provisions of Title 5, section 12005-A.
[PL 2005, c. 433, §16 (NEW); PL 2005, c. 433, §28 (AFF).]

SECTION HISTORY

RR 1993, c. 2, §20 (COR). PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §§A21,B19 (AMD). PL 2005, c. 433, §§16,17 (AMD). PL 2005, c. 433, §28 (AFF). PL 2015, c. 206, §5 (AMD).

§1259. Cancellation of license for physical, mental or emotional reasons

1. Request for cancellation. A person issued a license may request the Secretary of State, in writing, to cancel the license for physical, mental or emotional reasons. The Secretary of State may cancel a license after receipt of the written request from the individual.
[PL 2001, c. 671, §23 (NEW).]

2. Notice of cancellation. Upon receiving a request to cancel a license, the Secretary of State shall designate the license as canceled and notify the person who requested the cancellation pursuant to subsection 1, in writing, of the cancellation. The cancellation is effective on the date specified by the Secretary of State on the notice, which may not be less than 10 days after the mailing of the notification of cancellation by the Secretary of State.
[PL 2001, c. 671, §23 (NEW).]

3. Operating after cancellation. A person commits the offense of operating a motor vehicle without a license as provided in section 1251, subsection 1 if that person operates a motor vehicle after the person's license has been canceled by the Secretary of State pursuant to this section.
[PL 2001, c. 671, §23 (NEW).]

4. Reissuance of license. A person whose license is canceled pursuant to this section may petition the Secretary of State, in writing, to reissue the license. The Secretary of State may issue a person a license if the person:

A. Demonstrates that the person is physically, mentally or emotionally competent to operate a motor vehicle; and [PL 2001, c. 671, §23 (NEW).]

B. Successfully completes the operator's examination, including a vision, written and road test, which must be administered without fee to the person. [PL 2001, c. 671, §23 (NEW).]
[PL 2001, c. 671, §23 (NEW).]

5. Suspension. This section does not limit the authority of the Secretary of State to suspend a license.
[PL 2001, c. 671, §23 (NEW).]

SECTION HISTORY

PL 2001, c. 671, §23 (NEW).

§1260. REAL ID compliant driver's license or nondriver identification card

The Secretary of State may issue, upon request of the applicant, a driver's license under this subchapter or a nondriver identification card under section 1410 that meets the standards of the federal REAL ID Act of 2005, Public Law 109-13. A person may not hold a REAL ID compliant driver's license simultaneously with another license with the same class or restriction indicated on the license. The Secretary of State shall provide an option for the applicant to be issued a driver's license under this subchapter or a nondriver identification card under section 1410 that does not meet the standards of the federal REAL ID Act of 2005 and that is valid for all state identification requirements. [PL 2025, c. 163, §1 (AMD).]

SECTION HISTORY

PL 2017, c. 27, §1 (NEW). PL 2017, c. 27, §10 (AFF). PL 2025, c. 163, §1 (AMD).

SUBCHAPTER 2

ISSUING LICENSES

§1301. Application

1. Application required. An applicant must present to the Secretary of State an application for license on a form prepared by the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Contents. The applicant must provide specific answers that demonstrate the experience and competence of the applicant to operate a motor vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States. Valid documentary evidence of legal presence for a United States citizen may include a United States passport that has been expired for less than 2 years.
[PL 2023, c. 634, §24 (AMD).]

3. Proof of age. An applicant who has not attained the age of 23 years must provide satisfactory proof of the applicant's date of birth prior to receiving a permit or original license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Examination. An applicant must pass a physical examination by actual demonstration of ability to operate a motor vehicle and a written examination. Failure to complete the driving test within the term of a learner's permit requires reexamination for the permit.
[PL 2013, c. 381, Pt. B, §15 (AMD).]

5. Permanent license number.
[PL 2005, c. 250, §1 (RP).]

6. Social security number. Notwithstanding any other provision of law, the social security number of any applicant for a license or nondriver identification card must be recorded on the application, and the Secretary of State may not issue a license or nondriver identification card to a person who does not possess and provide a valid social security number. The Secretary of State shall collect, store and verify the social security number of an applicant for a license or nondriver identification card and may use that number to establish a permanent license number or nondriver identification number. This subsection does not apply to a person who is legally ineligible to receive a social security number.
[PL 2025, c. 165, §2 (AMD).]

6-A. Confidentiality. Except as required by 18 United States Code, Section 2721(b) or as needed to implement the federal National Voter Registration Act of 1993, the federal Help America Vote Act of 2002 or other federal election law, the Secretary of State may not disclose information collected under subsection 6. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than $500 may be adjudged.
[PL 2025, c. 659, §4 (AMD).]

7. Physical examination. A physical examination that may be required by the Secretary of State for the issuance or renewal of a license may be performed by a licensed physician, physician associate, nurse practitioner or other competent treatment personnel as determined by the Medical Advisory Board.
[PL 2001, c. 159, §1 (NEW); PL 2025, c. 316, §3 (REV).]

8. Organ and tissue donation. This subsection applies to organ donation under section 1402-A.

A. Before issuing or renewing a driver's license, the Secretary of State shall make available to the applicant a short statement on the opportunity to save a life through organ and tissue donation and shall provide the applicant an opportunity to become an organ or tissue donor. The applicant must be given a form on which to indicate whether the applicant intends to become a donor. [PL 2003, c. 394, §2 (NEW); PL 2003, c. 394, §6 (AFF).]

B. Information regarding the opportunity to save a life through organ and tissue donation must be prominently displayed on driver's license information mailed to applicants or distributed at offices of the bureau and must be prominently displayed on posters in offices of the bureau. [PL 2003, c. 394, §2 (NEW); PL 2003, c. 394, §6 (AFF).]
[PL 2003, c. 394, §2 (NEW); PL 2003, c. 394, §6 (AFF).]

8. (REALLOCATED TO T. 29-A, §1301, sub-§9) Vehicle used for examination.
[PL 2003, c. 397, §4 (NEW); RR 2003, c. 1, §28 (RAL).]

9. (REALLOCATED FROM T. 29-A, §1301, sub-§8) Vehicle used for examination. An applicant for a license may not use a low-speed vehicle or autocycle to demonstrate ability to operate a motor vehicle as required under subsection 4.
[PL 2009, c. 55, §3 (AMD).]

10. Expired documents. The Secretary of State may not accept the following documents as identification for the purpose of issuing a nondriver identification card or driver's license:

A. An expired visa granted by the authority of the United States; [PL 2005, c. 469, §1 (NEW).]

B. An expired document issued by a foreign country; or [PL 2005, c. 469, §1 (NEW).]

C. A foreign passport showing an elapsed departure date. [PL 2005, c. 469, §1 (NEW).]
[PL 2005, c. 469, §1 (NEW).]

11. Residency requirement. A license may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. The Secretary of State may exempt from the requirements of this subsection a person who has established to the satisfaction of the Secretary of State that the person is on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within the State.

A. Acceptable documentary evidence of a person's residence or domicile in this State must include the applicant's name and the address of the person's residence or domicile in this State. A post office box or other mail drop address is not sufficient. Acceptable documentary evidence includes, but is not limited to:

(1) A tax return, W-2 form or paycheck stub;

(2) A utility bill or a letter from a utility company showing application for service;

(3) A contract to which the applicant is a party; or

(4) A document issued by a governmental entity. [PL 2007, c. 659, §1 (NEW).]

B. A person who is unable to provide acceptable documentary evidence pursuant to paragraph A may meet the requirements of this subsection by:

(1) Submitting the affidavits of 2 individuals who have a personal or professional relationship with the person and knowledge of the person and the person's residence or domicile, which may include a shelter, in this State. A single affidavit signed by a parent or guardian of a minor making an application is sufficient for the purposes of this paragraph. The Secretary of State may reject any affidavit the Secretary of State determines to be insufficient to meet the requirements of this subsection. The affidavit is a sworn statement and a false statement by the affiant constitutes false swearing, which is a violation of Title 17-A, section 452. The Secretary of State shall provide forms for the completion of affidavits. These forms must state: "By signing this statement I verify that the representations herein are true. By making false statements on this document, I realize I am committing a Class D crime punishable under Maine law."; or

(2) By taking an oath or affirmation before the Secretary of State swearing to the person's residence or domicile, which may include a shelter. [PL 2007, c. 659, §1 (NEW).]

An applicant who supplies false information pursuant to this subsection makes a material misstatement of fact described in section 2103 and is subject to the penalties under that section.
[PL 2007, c. 659, §1 (NEW).]

12. Selective service registration. Before issuing or renewing a driver's license to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant with a short statement on the requirements of the federal Military Selective Service Act, 50 United States Code, Section 453 and a federal Military Selective Service registration form. If an applicant consents to register with the federal Selective Service System pursuant to this subsection, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.
[PL 2011, c. 170, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §30 (AMD). PL 1997, c. 537, §59 (AMD). PL 1997, c. 537, §62 (AFF). PL 2001, c. 159, §1 (AMD). PL 2001, c. 671, §24 (AMD). RR 2003, c. 1, §28 (COR). PL 2003, c. 394, §2 (AMD). PL 2003, c. 394, §6 (AFF). PL 2003, c. 397, §4 (AMD). PL 2005, c. 250, §§1,2 (AMD). PL 2005, c. 469, §1 (AMD). PL 2007, c. 648, §1 (AMD). PL 2007, c. 659, §1 (AMD). PL 2009, c. 55, §3 (AMD). PL 2011, c. 149, §4 (AMD). PL 2011, c. 170, §1 (AMD). PL 2013, c. 163, §1 (AMD). PL 2013, c. 381, Pt. B, §15 (AMD). PL 2017, c. 27, §2 (AMD). PL 2017, c. 27, §10 (AFF). PL 2017, c. 229, §19 (AMD). PL 2023, c. 257, §13 (AMD). PL 2023, c. 634, §24 (AMD). PL 2025, c. 165, §2 (AMD). PL 2025, c. 316, §3 (REV). PL 2025, c. 659, §4 (AMD).

§1302. Minors

1. Authorization. The Secretary of State may not accept the application for a license of a minor unless the application is:

A. Signed by a parent or guardian; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Signed by the spouse of the minor, provided the spouse is 18 years of age or older; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. When the minor has no parent, guardian or spouse who has attained the age of 18 years of age, signed by the employer of the minor if that employer is 18 years of age or older; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Accompanied by an attested copy of a court order of emancipation under Title 15, section 3506-A. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Suspension. If a person who has signed the application files with the Secretary of State a notarized written request that the license be suspended, the Secretary of State shall, pursuant to chapter 23, suspend the license without hearing. A suspension under this section may not be construed against the minor in any manner.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1303. Vision test requirements

1. Test requirement. A person must pass the vision portion of a license examination:

A. At the time of the first license renewal after attaining 40 years of age; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. At every 2nd license renewal after the renewal in paragraph A until attaining 62 years of age; and [PL 1995, c. 482, Pt. A, §22 (AMD).]

C. At every license renewal after attaining 62 years of age. [PL 1995, c. 482, Pt. A, §22 (AMD).]

[PL 1995, c. 482, Pt. A, §22 (AMD).]

2. Exceptions. In lieu of a test, a person may submit:

A. An acceptable certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State, setting forth the person's visual acuity in each eye and field of vision. The certificate must indicate that it is based on an examination completed within one year of the date of application; or [PL 2017, c. 229, §20 (AMD).]

B. Satisfactory evidence of a valid Interstate Commerce Commission driver's license issued within the past year. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2017, c. 229, §20 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §A22 (AMD). PL 2017, c. 229, §20 (AMD).

§1304. Learner's permits

1. Learner's permits. The following provisions apply to learner's permits.

A. A person who is 15 years of age or older may apply for a learner's permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for a learner's permit. [PL 2013, c. 381, Pt. B, §16 (AMD).]

B. After an applicant has successfully passed all parts of an examination other than the driving test, the Secretary of State may issue a learner's permit. [PL 2013, c. 381, Pt. B, §16 (AMD).]

C. The learner's permit entitles the permittee to drive a motor vehicle on the public ways. The permittee must have the learner's permit in immediate possession while driving on the public ways. [PL 2013, c. 381, Pt. B, §16 (AMD).]

D. The learner's permit is valid for a period of 2 years. [PL 2013, c. 381, Pt. B, §16 (AMD).]

E. Unless the permittee is operating a motorcycle or moped, the learner's permit requires the permittee to be accompanied by a licensed operator who:

(1) Has held a valid license for at least 2 years;

(2) Is at least 20 years of age;

(3) Is occupying a seat beside the driver; and

(4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator. [PL 2013, c. 381, Pt. B, §16 (AMD).]

F. The Secretary of State may issue a restricted learner's permit to an applicant who is enrolled in a driver education program that includes practice driving. That permit is valid:

(1) For a school year or other specified period; and

(2) Only when the permittee is accompanied by a driver education teacher or a commercial driver education instructor, licensed by the Secretary of State under subchapter 3.

An applicant with a physical, mental or emotional condition that impairs the safe operation of a motor vehicle may operate on a restricted learner's permit without being enrolled in a driver education program for the purpose of an initial behind-the-wheel assessment. The driver education teacher or commercial driver education instructor must be licensed as an occupational or physical therapist with the Department of Professional and Financial Regulation. [PL 2013, c. 381, Pt. B, §16 (AMD).]

G. [PL 1997, c. 737, §4 (RP); PL 1997, c. 737, §22 (AFF).]

H. A person under 21 years of age may not apply for a license unless:

(1) A period of 6 months has passed from the date the person was issued a learner's permit; and

(2) The person has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver accompanying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the 70 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the 70 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State. [PL 2013, c. 496, §13 (AMD).]

I. A person who has been issued a learner's permit may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person who has been issued a learner's permit may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

A person who violates this paragraph commits a traffic infraction. [PL 2019, c. 486, §4 (AMD).] [PL 2019, c. 486, §4 (AMD).]

1-A. Learner's permit; issuance. The following provisions apply to the issuance of a learner's permit.

A. Fees for a learner's permit may be collected by the Secretary of State in accordance with section 154, subsection 1 or by the provider of a driver education course under section 1351, which shall deposit the fees with the Secretary of State. [PL 2017, c. 79, §1 (AMD).]

B. Any required application materials for a learner's permit may be collected by the Secretary of State or by the provider of a driver education course under section 1351, which shall forward the materials to the Secretary of State. [PL 2017, c. 79, §1 (AMD).]

C. Any required examination for a learner's permit may be administered only by the Secretary of State except that the Secretary of State may waive this requirement on receipt of a course completion certificate under section 1351, subsection 3. [PL 2015, c. 114, §1 (AMD).]

D. A learner's permit may be issued by the Secretary of State or by the provider of a driver education course under section 1351. [PL 2017, c. 79, §1 (AMD).] [PL 2017, c. 79, §1 (AMD).]

2. Motorcycle and moped. The following provisions apply to learner's permits for the operation of motorcycles or mopeds.

A. A person must be at least 16 years of age to apply for a motorcycle or moped learner's permit. [PL 2013, c. 381, Pt. B, §16 (AMD).]

B. An applicant must pass a vision test and a knowledge test related specifically to the safe operation of a motorcycle or moped. [PL 2005, c. 577, §19 (AMD).]

C. An applicant for a motorcycle permit must complete a motorcycle rider education course as required by section 1352. [PL 2017, c. 229, §21 (AMD).]

D. A learner's permit is valid for 2 years. [PL 2013, c. 381, Pt. B, §16 (AMD).]

E. If the holder of a learner's permit fails to complete the driving test within 2 years from the date of issuance of a learner's permit the holder must retake the motorcycle rider education course for a subsequent learner's permit to be issued. [PL 2017, c. 229, §22 (AMD).]

F. [PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. B, §12 (RP); PL 1995, c. 65, Pt. C, §15 (AFF).]

G. A learner's permit does not allow the holder to carry a passenger. [PL 2013, c. 381, Pt. B, §16 (AMD).]

H. The fee for a motorcycle or moped learner's permit and the first road test is $35. The fee for a subsequent examination is $35. [PL 2017, c. 283, Pt. C, §1 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

I. A learner's permit may be issued by the Secretary of State or by the provider of a motorcycle rider education course under section 1352. [PL 2021, c. 216, §37 (NEW).] [PL 2021, c. 216, §37 (AMD).]

3. Bus.

[PL 2013, c. 381, Pt. B, §16 (AMD); MRSA T. 29-A §1304, sub-§3 (RP).]

4. School bus.

[PL 2013, c. 381, Pt. B, §16 (AMD); MRSA T. 29-A §1304, sub-§4 (RP).]

4-A. Commercial learner's permit. The following provisions apply to commercial learner's permits.

A. The commercial learner's permit holder must be at all times accompanied in a commercial motor vehicle of the class sought for licensed operation by the holder of a valid commercial driver's license with the commercial driver's license class and endorsements necessary to operate the commercial motor vehicle. The commercial driver's license holder shall at all times be physically present in the front seat of the vehicle next to the commercial learner's permit holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver. [PL 2013, c. 381, Pt. B, §16 (NEW).]

B. The commercial learner's permit holder must hold a valid driver's license issued by the same state or jurisdiction of domicile that issued the commercial learner's permit. [PL 2013, c. 381, Pt. B, §16 (NEW).]

C. The commercial learner's permit holder must have taken and passed a general knowledge test for the commercial motor vehicle class that the person expects to operate. [PL 2013, c. 381, Pt. B, §16 (NEW).]

D. [PL 2015, c. 46, §1 (RP).]

E. A commercial learner's permit holder is limited to the following endorsements.

(1) In order to receive a passenger endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the passenger endorsement knowledge test. A commercial learner's permit holder testing for a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than the test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. The passenger endorsement must be specific to a commercial motor vehicle class. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(2) In order to receive a school bus endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the school bus endorsement knowledge test. A commercial learner's permit holder testing for a school bus endorsement is prohibited from operating a school bus with passengers other than test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(3) In order to receive a tank vehicle endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the tank vehicle endorsement knowledge test. A commercial learner's permit holder testing for a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue. [PL 2013, c. 381, Pt. B, §16 (NEW).]

F. The commercial learner's permit holder may not operate a commercial motor vehicle transporting hazardous materials as defined in 49 Code of Federal Regulations, Section 383.5. [PL 2013, c. 381, Pt. B, §16 (NEW).]

G. The commercial learner's permit is valid for no more than one year from the date of issuance. [PL 2019, c. 397, §19 (AMD).]

H. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. [PL 2013, c. 381, Pt. B, §16 (NEW).]

I. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test in the first 14 days after the initial issuance of the commercial learner's permit. [PL 2013, c. 381, Pt. B, §16 (NEW).]

This subsection takes effect July 8, 2015.
[PL 2019, c. 397, §19 (AMD).]

5. Expiration. Unless continuation is authorized by the Secretary of State, a learner's permit expires when the holder successfully passes a driving examination. An expired permit must immediately be surrendered to the Secretary of State.
[PL 2013, c. 381, Pt. B, §16 (AMD).]

6. Criminal offense. A person commits a Class E crime if that person accompanies a permittee who is operating a vehicle on a public way and that accompanying person has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

RR 1993, c. 2, §21 (COR). PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A100,B12, 13 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 402, §A47 (AMD). PL 1995, c. 505, §11 (AMD). PL 1995, c. 505, §22 (AFF). PL 1997, c. 393, §A33 (AMD). PL 1997, c. 393, §A34 (AFF). PL 1997, c. 737, §§2-5 (AMD). PL 1997, c. 737, §22 (AFF). PL 1997, c. 776, §36 (AMD). PL 1999, c. 127, §A43 (AMD). PL 1999, c. 470, §19 (AMD). PL 1999, c. 545, §1 (AMD). PL 2001, c. 440, §J1 (AMD). PL 2001, c. 671, §25 (AMD). PL 2001, c. 687, §15 (AMD). PL 2001, c. 710, §13 (AMD). PL 2001, c. 710, §14 (AFF). PL 2003, c. 286, §§1,2 (AMD). PL 2005, c. 577, §§18,19 (AMD). PL 2007, c. 2, §1 (AMD). PL 2007, c. 383, §§21,22 (AMD). PL 2009, c. 43, §1 (AMD). PL 2011, c. 356, §18 (AMD). PL 2011, c. 654, §2 (AMD). PL 2013, c. 77, §1 (AMD). PL 2013, c. 381, Pt. B, §16 (AMD). PL 2013, c. 493, §§1, 2 (AMD). PL 2013, c. 496, §13 (AMD). PL 2015, c. 46, §1 (AMD). PL 2015, c. 113, §1 (AMD). PL 2015, c. 114, §1 (AMD). PL 2015, c. 473, §14 (AMD). PL 2017, c. 79, §1 (AMD). PL 2017, c. 229, §§21, 22 (AMD). PL 2017, c. 283, Pt. C, §1 (AMD). PL 2017, c. 283, Pt. C, §6 (AFF). PL 2019, c. 397, §19 (AMD). PL 2019, c. 486, §4 (AMD). PL 2021, c. 216, §37 (AMD).

§1305. Temporary licenses

1. Issuance of temporary licenses. The Secretary of State may issue a temporary license to an applicant.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Requirements. The Secretary of State may require the applicant to:

A. Successfully pass a complete examination; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Hold a valid or recently expired driver's license from another state or country. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Duration. A temporary license permits the applicant to operate a motor vehicle on a public way for not more than 60 days.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1306. Applicant who has not been licensed within past 5 years

An applicant for a license who has not been licensed to operate a motor vehicle in this State or in another jurisdiction within the past 5 years must successfully pass a complete examination consisting of a vision, written and road test. [PL 2003, c. 434, §17 (RPR); PL 2003, c. 434, §37 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §31 (AMD). PL 2001, c. 361, §28 (AMD). PL 2003, c. 434, §17 (RPR). PL 2003, c. 434, §37 (AFF).

§1307. Examination fees

An applicant required to take an examination shall pay an examination fee to the Secretary of State prior to administration of the examination as follows. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Class A, Class B or Class C commercial driver's license. The examination fee for a Class A, Class B or Class C commercial driver's license is $70, which includes the first road test. A reexamination is $70.
[PL 2017, c. 283, Pt. C, §2 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

2. Class C noncommercial license. The examination fee for a Class C noncommercial license is $35, which includes the first road test. A reexamination is $35.
[PL 2017, c. 283, Pt. C, §2 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

3. Examination fee for endorsements. The examination fee for a double or triple trailer, bus, tank vehicle, hazardous materials endorsement or the renewal of a hazardous materials endorsement is $20. A reexamination is $20.
[PL 2017, c. 283, Pt. C, §2 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

4. Cancellation of examination appointment. If an examination requires an appointment and the applicant does not keep that appointment, the Secretary of State shall assess an additional $70 fee for a Class A, Class B or Class C commercial examination and $35 for a bus, school bus or Class C noncommercial examination at the time of reappointment for examination. If the applicant notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.
[PL 2017, c. 283, Pt. C, §3 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

5. Exception. A person required to take an examination pursuant to section 1309, subsection 1 is not required to pay an examination or cancellation fee.
[PL 2013, c. 381, Pt. B, §17 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §A23 (AMD). PL 1997, c. 437, §32 (AMD). PL 2003, c. 434, §18 (AMD). PL 2003, c. 434, §37 (AFF). PL 2013, c. 381, Pt. B, §17 (AMD). PL 2015, c. 206, §6 (AMD). PL 2017, c. 283, Pt. C, §§2, 3 (AMD). PL 2017, c. 283, Pt. C, §6 (AFF).

§1308. Reexamination of accident-prone driver

1. Definition. For purposes of this section, an "accident-prone driver" means an operator of a motor vehicle who has contributed to the cause of 3 or more accidents within a period of 3 consecutive years.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Examination. An accident-prone driver, after notice and hearing, may be required to pass an operator's examination or submit to other instruction to improve driving as prescribed by the Secretary of State to retain a license.
[PL 1997, c. 776, §37 (AMD).]

3. Evidence. A determination that an individual is accident-prone is not admissible in evidence in a civil action arising out of an accident.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Suspension. This section does not limit the authority of the Secretary of State to suspend a license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 776, §37 (AMD).

§1309. Reexamination of incompetent or unqualified operators

1. Reexamination may be required. The Secretary of State, having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may require, on at least 5 days prior written notice, that operator to submit to an examination.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Suspension of license. On conclusion of an examination, the Secretary of State may suspend the license of that person or issue a restricted license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Refusal to submit to examination. Refusal or neglect of the licensee to submit to an examination is sufficient ground for suspension.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1310. Interim license

(REPEALED)

SECTION HISTORY

PL 1999, c. 674, §2 (NEW). PL 2001, c. 361, §29 (AMD). PL 2003, c. 286, §3 (RP).

§1311. Intermediate license

1. Restricted license. A person under 18 years of age who has been issued a driver's license may not:

A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. For the purpose of this paragraph, "immediate family member" includes the following when living with the immediate family:

(1) A foreign exchange student;

(2) A person who is under court-appointed guardianship of an immediate family member; and

(3) A child whose parent is deployed for military service and is under guardianship of an immediate family member as provided on a United States Department of Defense Armed Forces Family Care Plan, DA Form 5305 or its successor form.

For the purpose of this paragraph, "deployed for military service" means assigned to active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station; [PL 2011, c. 13, §1 (AMD).]

B. Operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or [PL 2003, c. 286, §4 (NEW).]

C. Operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person under 18 years of age who has been issued a driver's license may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary. [PL 2019, c. 486, §5 (AMD).]

[PL 2019, c. 486, §5 (AMD).]

2. Period of restrictions. Subject to extension pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 270 days from license issuance. The period of license restrictions may extend beyond the person's 18th birthday.

[PL 2019, c. 486, §6 (AMD).]

3. Extension of restrictions. A person who is adjudicated for violating this section must have the license restrictions in subsection 1 extended for an additional period of 270 days. The additional period of license restrictions may extend beyond the person's 18th birthday. Any violation of the license restrictions during the period of this extension must result in a further extension of the license restrictions pursuant to this section.

[PL 2011, c. 654, §4 (AMD).]

3-A. Restricted license decal. Before issuing a license under this section, the Secretary of State shall make available to the licensee a set of 2 decals to place in the motor vehicle driven by the licensee that indicates that the driver of the motor vehicle may be a holder of an intermediate license. Notwithstanding section 2082, a motor vehicle operated by a person who has been issued a driver's license under this section may display a set of 2 decals, one located on the rear window and one located in the upper left-hand corner of the front windshield, that indicates that the driver of the motor vehicle may be a holder of an intermediate license under this section. The design of the decal must be approved by the Chief of the State Police in consultation with the Secretary of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in a manner that obstructs the operator's view of the roadway.

The Secretary of State shall begin issuing restricted license decals in accordance with this subsection no later than October 1, 2015.

[PL 2015, c. 113, §3 (NEW).]

4. Penalty. A person who violates this section commits a traffic infraction for which a fine of not less than $250 and not more than $500 may be adjudged.

[PL 2011, c. 654, §5 (AMD).]

5. Suspension of license. The Secretary of State shall suspend without right to a hearing the license of a person adjudicated for violating this section:

A. For 60 days on the first offense; [PL 2011, c. 654, §6 (NEW).]

B. For 180 days on the 2nd offense; and [PL 2011, c. 654, §6 (NEW).]

C. For one year on the 3rd or subsequent offense. [PL 2011, c. 654, §6 (NEW).]
[PL 2011, c. 654, §6 (NEW).]

SECTION HISTORY

PL 2003, c. 286, §4 (NEW). PL 2009, c. 10, §1 (AMD). PL 2011, c. 13, §1 (AMD). PL 2011, c. 556, §9 (AMD). PL 2011, c. 654, §§3-6 (AMD). PL 2015, c. 113, §§2, 3 (AMD). PL 2019, c. 486, §§5, 6 (AMD).

§1312. Maine Organ and Tissue Donation Fund voluntary checkoff

1. Maine Organ and Tissue Donation Fund. When applying for or renewing a license under this subchapter, a person may designate that a $2 donation be paid into the Maine Organ and Tissue Donation Fund established in section 1402-B, subsection 4. A person who designates a $2 donation under this subsection shall include with the person's license application or renewal fee sufficient funds to make the contribution. Each license application form under section 1301, subsection 1 and license renewal form under section 1406-A must contain a designation in substantially the following form: "Maine Organ and Tissue Donation Fund donation: ( ) $2 or ( ) Other $... ."
[PL 2013, c. 588, Pt. A, §37 (AMD).]

2. Contributions credited to Maine Organ and Tissue Donation Fund. The Secretary of State shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the Secretary of State shall deduct the cost of administering the Maine Organ and Tissue Donation Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Organ and Tissue Donation Fund.
[PL 2013, c. 127, §1 (NEW); PL 2013, c. 127, §5 (AFF).]

SECTION HISTORY

PL 2013, c. 127, §1 (NEW). PL 2013, c. 127, §5 (AFF). PL 2013, c. 588, Pt. A, §37 (AMD).

SUBCHAPTER 3

DRIVER EDUCATION

§1351. Driver education

1. Driver education required for certain minors. Except to operate a moped only, a license may not be issued to a person under 18 years of age unless that person presents a certificate of successful completion of an approved driver education course and examination. The requirement of completion of an approved driver education course may be waived for a person who holds a valid driver's license from another jurisdiction.
[PL 1999, c. 470, §20 (AMD).]

2. Approved course. An approved driver education course is a course given by a:

A. Public secondary school; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Private secondary school approved for attendance purposes by the Commissioner of Education; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Career and technical education center or a career and technical education region; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2003, c. 545, §5 (REV).]

D. Person licensed by the Secretary of State. [PL 1997, c. 393, Pt. A, §35 (RPR); PL 1997, c. 393, Pt. A, §37 (AFF).]

[PL 1997, c. 393, Pt. A, §35 (AMD); PL 1997, c. 393, Pt. A, §37 (AFF); PL 2003, c. 545, §5 (REV).]

3. Completion certificates. A successful course completion certificate may be issued if the course meets the standards adopted by the Secretary of State. A certificate may not be issued to a person who was not at least 15 years of age when beginning the course. The certificate may be used as a temporary learner's permit for the operation of a noncommercial Class C motor vehicle for 60 days from the course completion date displayed on the front of the certificate. The permittee must be in possession of the certificate while operating a motor vehicle and accompanied by a licensed operator who has held a valid driver's license for at least 2 years; is at least 20 years of age; is occupying the seat beside the operator; and is licensed to operate the class of vehicle operated by the permittee.
[PL 2021, c. 216, §38 (AMD).]

4. Requirements. A driver education course approved under this subchapter must include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely in a situation in which a motorcycle or vulnerable user is sharing the road with that motor vehicle.
[PL 2015, c. 164, §2 (RPR).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 402, §A47 (AMD). PL 1995, c. 505, §§12,13 (AMD). PL 1995, c. 505, §22 (AFF). PL 1997, c. 393, §§A35,36 (AMD). PL 1997, c. 393, §A37 (AFF). PL 1997, c. 737, §6 (AMD). PL 1999, c. 470, §20 (AMD). PL 2003, c. 183, §1 (AMD). PL 2003, c. 545, §5 (REV). PL 2015, c. 164, §2 (AMD). PL 2021, c. 216, §38 (AMD).

§1352. Motorcycle rider education

1. Motorcycle rider education required. Notwithstanding any other provision of law, a motorcycle learner's permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle rider education course and examination approved by the Secretary of State.
[PL 2017, c. 229, §23 (AMD).]

2. Education course. The following provisions apply to motorcycle rider education courses.

A. A motorcycle rider education course must consist of classroom and hands-on instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles. [PL 2017, c. 229, §23 (AMD).]

B. The course may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a career and technical education center or career and technical education region or adult education program conducted under Title 20-A, chapter 316. [PL 2017, c. 229, §23 (AMD).]

C. A motorcycle course offered independently of an approved driver education course may not be offered for credit toward a high school diploma. [PL 2017, c. 229, §23 (AMD).]

D. [PL 2015, c. 473, §16 (RP).]

E. The Secretary of State must approve a motorcycle rider education course. [PL 2017, c. 229, §23 (AMD).]

F. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 2-wheel motorcycle may be licensed to operate a 2-wheel or 3-wheel motorcycle. [PL 2019, c. 337, §1 (NEW).]

G. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle. [PL 2019, c. 337, §1 (NEW).]

H. A person who holds a motorcycle learner's permit and who successfully completes the motorcycle road test, administered by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle. [PL 2019, c. 337, §1 (NEW).]

[PL 2019, c. 337, §1 (AMD).]

2-A. Motorcycle rider education schools. A person may not conduct a motorcycle rider education course unless the person is licensed as a motorcycle rider education school and employs instructors licensed by the Secretary of State.

A. A licensed motorcycle rider education school shall:

(1) Provide a classroom, including a motorcycle riding range, in a permanent or temporary location approved by the Secretary of State;

(2) Display a business sign at the licensed place of business;

(3) Provide confirmation to the Secretary of State of liability insurance coverage for motorcycle riders operating on the motorcycle rider education school's motorcycle riding range;

(4) Maintain a surety bond in the amount of $10,000;

(5) Ensure that each instructor employed by the motorcycle rider education school holds a valid motorcycle rider education instructor license;

(6) Ensure that each motorcycle owned, rented, leased or borrowed and used for any hands-on training course at the motorcycle rider education school is approved by the Secretary of State;

(7) Submit and retain copies of course forms provided by the Secretary of State. All records under this subparagraph must be retained by the motorcycle rider education school for 5 years; and

(8) Immediately notify the Secretary of State, in writing, whenever the location or mailing address of the motorcycle rider education school changes. [PL 2019, c. 337, §2 (NEW).]

B. The Secretary of State shall upon initial review or renewal of an application, and may at any other reasonable time, conduct an on-site inspection of a motorcycle rider education school's records, facilities and equipment to determine compliance with this subsection. [PL 2019, c. 337, §2 (NEW).]

[PL 2019, c. 337, §2 (NEW).]

2-B. Penalty. Operating a motorcycle rider education school without a license is a Class E crime. A licensed motorcycle rider education school that fails to comply with the requirements of subsection 2-A, paragraph A commits a traffic infraction.

[PL 2019, c. 337, §2 (NEW).]

3. Instructors; instructor license requirements. The Secretary of State shall adopt rules governing the issuance and renewal of instructor licenses. The following provisions apply to the licensing of instructors.

A. A person may not conduct a motorcycle rider education course unless licensed by the Secretary of State as a qualified instructor. [PL 2017, c. 229, §23 (AMD).]

B. The Secretary of State shall:

(1) Conduct, or authorize other qualified persons to conduct, instructor preparation courses; and

(2) Establish reasonable qualification standards and requirements for licensing. The requirements must include a provision to demonstrate proficiency in operating a motorcycle. [PL 2017, c. 229, §23 (AMD).]

C. [PL 1995, c. 505, §14 (RP); PL 1995, c. 505, §22 (AFF).]

D. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor's performance to determine compliance with this section. [PL 2019, c. 337, §3 (NEW).]

E. The instructor shall immediately notify the Secretary of State, in writing, whenever the instructor's mailing address or name changes. [PL 2019, c. 337, §3 (NEW).]

F. An applicant for a license under this subsection shall submit to a Department of Public Safety, State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles shall request the background check from the State Bureau of Identification. A fee must be assessed at the time of initial and renewal application pursuant to Title 25, section 1541, subsection 6. [PL 2021, c. 216, §39 (NEW).]

G. The Secretary of State shall use state and federal criminal history record information for the purpose of screening motorcycle rider education instructors in order to determine whether issuance of a motorcycle rider education instructor license is granted or maintained. [PL 2021, c. 216, §39 (NEW).]

[PL 2021, c. 216, §39 (AMD).]

3-A. Penalty. Providing motorcycle rider education instruction without a license is a Class E crime. A licensed motorcycle rider education instructor that fails to comply with the requirements of subsection 3, paragraph E or qualification standards and requirements established by the Secretary of State under subsection 3, paragraph B, subparagraph (2) commits a traffic infraction.
[PL 2019, c. 337, §4 (NEW).]

4. Instructor availability. When a licensed instructor is not available in a geographic area, the Secretary of State may assign a qualified instructor for the course subject to the following provisions.

A. The requesting authority must ensure a minimum class size of 6 students. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State shall charge a course fee comparable to other motorcycle rider education courses. [PL 2017, c. 229, §23 (AMD).]

C. An instructor is not a "teacher" within the meaning of Title 5, section 17001, subsection 42 or Title 20-A. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2017, c. 229, §23 (AMD).]

5. Completion certificates. An instructor shall issue a completion certificate to a student who has successfully completed the course. The certificate may be used as a temporary motorcycle permit for the operation of a motorcycle for 60 days from the course completion date displayed on the front of the certificate. The individual must be in possession of the certificate while operating a motorcycle, must wear a helmet and cannot carry passengers while operating a motorcycle. If "passed 3-Wheel BRC" is stamped on the front of the certificate, the individual is restricted to the operation of a 3-wheel motorcycle.
[PL 2021, c. 216, §40 (AMD).]

6. Waiver of examination. The Secretary of State may waive the required:

A. Written examination on receipt of a completion certificate; and [PL 1999, c. 470, §21 (NEW).]

B. Road examination on receipt of a certificate demonstrating successful completion of a motorcycle rider education course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement. [PL 2021, c. 216, §41 (AMD).]

[PL 2021, c. 216, §41 (AMD).]

7. Suspension and revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew a motorcycle rider education school or instructor license, or deny a certificate of completion, for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license, or denied a certificate of completion, 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 3, article 3.

[PL 2019, c. 337, §5 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §B14 (AMD). PL 1995, c. 505, §14 (AMD). PL 1995, c. 505, §22 (AFF). PL 1997, c. 776, §38 (AMD). PL 1999, c. 470, §21 (AMD). PL 2001, c. 671, §26 (AMD). PL 2003, c. 545, §5 (REV). PL 2005, c. 411, §1 (AMD). PL 2005, c. 577, §§20,21 (AMD). PL 2007, c. 383, §23 (AMD). PL 2013, c. 381, Pt. B, §§18, 19 (AMD). PL 2015, c. 473, §§15, 16 (AMD). PL 2017, c. 229, §23 (AMD). PL 2019, c. 337, §§1-5 (AMD). PL 2021, c. 216, §§39-41 (AMD).

§1353. Motorcycle rider education fees

1. Instructor fee. The motorcycle rider education instructor license fee is $200 and expires 2 years from the date of issuance. The renewal fee is $200.

[PL 2023, c. 634, §25 (AMD).]

2. School license fee. The motorcycle rider education school license fee is $150 and expires December 31st annually. The renewal fee is $150.

[PL 2019, c. 352, §3 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2017, c. 229, §24 (AMD). PL 2019, c. 352, §3 (RPR). PL 2023, c. 634, §25 (AMD).

§1354. Driver education programs

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

A. "Applicant," as applied to a firm, partnership or association, includes the members of the firm, partnership or association and, as applied to a corporation, includes the officers and directors of the corporation. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

B. "Commercial driver education school" means a person engaged in teaching driver education for remuneration. Commercial driver education school does not include a noncommercial driver education school as defined in paragraph G. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

C. "Driver education" means any type of instruction or tutoring given to a person in preparation to obtain a learner's permit or in preparing for an examination to obtain a driver's license in exchange for remuneration or course credit. [PL 2013, c. 381, Pt. B, §20 (AMD).]

D. "Driver education school" means a commercial driver education school or a noncommercial driver education school. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

E. [PL 2011, c. 556, §10 (RP).]

F. "Instructor" means a person engaged in teaching driver education. [PL 2011, c. 556, §11 (AMD).]

G. "Noncommercial driver education school" means a public secondary school, an approved private secondary school, career and technical education center, career and technical education region or adult education program conducted pursuant to Title 20-A, chapter 315 that offers driver education. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF); PL 2003, c. 545, §5 (REV).]

H. "Person" means an individual or individuals, firm, partnership, association or corporation. When used in any provision of this chapter that prescribes or imposes a fine or imprisonment, or both, "person," as applied to a corporation, includes the officers of the corporation. A firm, partnership, association or corporation may be subjected, as an entity, to the payment of a fine. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

[PL 2013, c. 381, Pt. B, §20 (AMD).]

2. Licenses required. A person may not operate a driver education school, conduct driver education or act as an instructor unless licensed by the Secretary of State.

A. A Class 1 driver education school license may be issued to a driver education school that employs Class 1 instructors and that is authorized to teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's license or temporary driver's license. A driver education school licensed under this paragraph may also employ Class 2 instructors to provide the behind-the-wheel phase of driver education and behind-the-wheel private lessons. A driver education school licensed under this paragraph may teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons. [PL 2023, c. 257, §14 (AMD).]

B. A Class 1 instructor license authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education as an employee or affiliate of a licensed driver education school. [PL 2023, c. 257, §14 (AMD).]

C. A Class 2 instructor license authorizes the holder to teach only the behind-the-wheel phase of driver education as an employee or affiliate of a licensed driver education school. [PL 2023, c. 257, §14 (AMD).]

C-1. A Class 3 instructor license authorizes the holder to teach only the classroom phase of driver education as an employee or affiliate of a licensed driver education school. [PL 2023, c. 257, §14 (NEW).]

D. A Class 2 driver education school license may be issued to a driver education school that employs a Class 1 or Class 2 instructor. A driver education school licensed under this paragraph may provide only behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's license or temporary driver's license. [PL 2023, c. 257, §14 (AMD).]

[PL 2023, c. 257, §14 (AMD).]

3. Commercial driver education school license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the curriculum, facilities, operations, including record-keeping requirements, and issuance and renewal of licenses for noncommercial driver education schools and commercial driver education schools and instructors.

A. The Secretary of State may not issue a license for a driver education school until the school owner has filed with the Secretary of State a certificate showing that each vehicle used during driving instruction is covered by an automobile bodily injury and property damage liability insurance policy insuring against any legal liability in accordance with the terms of the policy for personal injury or death of any one person in the sum of $100,000 and for any number of persons in the sum of $300,000 and against property damage in the sum of $100,000 arising from the operation of each vehicle being used in a commercial driver education school. In lieu of that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least $100,000 on account of injury to or death of one person and subject to such limits as respects injury to or death of one person, of at least $300,000 on account of any one accident resulting in injury to or death of more than one person and of at least $100,000 for damage to property of others. Failure to comply with this subsection is grounds for suspension or revocation of a driver education school license. [PL 2023, c. 634, §26 (AMD).]

B. A vehicle used as a training vehicle must be maintained in safe mechanical condition at all times. Each vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. While being used in actual instruction, a vehicle must be equipped with an identification sign listing the name of the school and a student driver sign.

The following vehicles are not required to have dual controls and an identification sign listing the name of the school and a student driver sign:

(1) A vehicle that is being used to instruct a person with a disability and is specially equipped for use by a person with a disability; and

(2) A vehicle that is being used to instruct a person in possession of a valid Maine driver's license or learner's permit when the vehicle is not provided by the driver education school. [PL 2013, c. 381, Pt. B, §21 (AMD).]

[PL 2023, c. 634, §26 (AMD).]

4. Instructor license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the issuance and renewal of instructor licenses. In addition to the requirements established by rule, each applicant must meet the following requirements:

A. The applicant must be at least 21 years of age and have a high school diploma or its equivalent; [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

B. The applicant must have at least 4 years of driver experience as a licensed operator and possess a valid driver's license; [PL 2021, c. 216, §44 (AMD).]

C. The applicant may not have had a license revoked pursuant to chapter 23, subchapter 5 within the preceding 6-year period; [PL 2011, c. 556, §14 (AMD).]

D. The applicant may not have had an OUI as defined in section 2401, subsection 8 within the preceding 6-year period; [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

E. The applicant must pass a knowledge test prescribed by the Secretary of State; [PL 2021, c. 216, §44 (AMD).]

F. The applicant must complete an educational program prescribed by the Secretary of State; [PL 2021, c. 216, §44 (AMD).]

G. The applicant shall submit to a Department of Public Safety, State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles shall request the background check from the State Bureau of Identification. A fee must be assessed at

the time of initial and renewal application pursuant to Title 25, section 1541, subsection 6; [PL 2021, c. 216, §44 (NEW).]

H. The Secretary of State shall use state and federal criminal history record information for the purpose of screening driver education instructors in order to determine whether issuance of a driver education instructor license is granted or maintained; and [PL 2021, c. 216, §44 (NEW).]

I. The applicant shall submit to having fingerprints taken. The Bureau of Motor Vehicles shall make available an approved list of agencies providing fingerprinting. Upon payment to an approved agency by the applicant and after the approved agency takes or causes to be taken the applicant's fingerprints and forwards the fingerprints to the State Bureau of Identification, the State Bureau of Identification shall conduct state and national criminal history record checks. Fingerprinting is required upon initial application and every 6 years thereafter. [PL 2023, c. 257, §15 (AMD).]

[PL 2023, c. 257, §15 (AMD).]

5. License fees.

[PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF); MRSA T. 29-A §1354, sub-§5 (RP).]

5-A. License fees. License fees must be paid to the Secretary of State and deposited into the Highway Fund. The following fees apply.

A. The fee for a driver education school license is $150. [PL 2019, c. 352, §4 (AMD).]

B. The fee for an instructor license is $200. [PL 2019, c. 352, §5 (AMD).]

C. A driver education school license expires one year from the date of issuance. The fee for the renewal of a driver education school license is $150. An instructor license expires 2 years from the date of issuance. The fee for the renewal of an instructor license is $200. [PL 2019, c. 352, §5 (AMD).]

D. A noncommercial driver education school that offers driver education for course credit and does not charge a fee for driver education is exempt from the license fees required in this subsection. An instructor employed by and providing driver education only in a school exempt from license fees in accordance with this paragraph is also exempt from license fees required in this subsection. [PL 2011, c. 556, §15 (AMD).]

[PL 2019, c. 352, §§4, 5 (AMD).]

6. Secretary of State duties. The Secretary of State has the following duties.

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, law enforcement agencies, the insurance industry and the motor carrier industry and 2 instructors licensed in the curriculum and training being reviewed. The Technical Review Panel shall assist the Secretary of State in developing curriculum and instructor training and certification. [PL 2019, c. 337, §6 (AMD).]

B. The Secretary of State shall develop and implement a standardized driver education curriculum that establishes minimum standards for instructional goals and learning objectives. The Secretary of State shall require distribution of information on organ and tissue donation and the possibility of saving lives through organ donation. [PL 2003, c. 394, §3 (AMD); PL 2003, c. 394, §6 (AFF).]

C. The Secretary of State shall develop and implement training programs for the licensing and relicensing of instructors. [PL 2011, c. 556, §17 (AMD).]

D. The Secretary of State shall monitor classroom and behind-the-wheel instruction for compliance with statutory and regulatory requirements. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

E. The Secretary of State shall develop and implement a system to monitor the driving records of individuals who complete a driver education program to assist in the evaluation of the effectiveness of driver education instruction and curriculum. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

F. The Secretary of State shall inspect driver education schools to review records, facilities, operating procedures, quality of instruction and compliance with statutory and regulatory requirements. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

G. The Secretary of State shall investigate written complaints regarding the activities of driver education schools and instructors. [PL 2011, c. 556, §18 (AMD).]

[PL 2019, c. 337, §6 (AMD).]

7. Penalties. A person who conducts driver education, operates a driver education school or acts as an instructor without a license is guilty of a Class E crime.

[PL 2019, c. 337, §7 (AMD).]

8. Suspension or revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license or deny a certificate of completion for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license or denied a certificate of completion 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 3, article 3.

[PL 2019, c. 397, §20 (AMD).]

9. Insurance for graduates. Rating bureaus or independent insurers as recognized by the Superintendent of Insurance may grant an automobile insurance discount for driver education school graduates.

[PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]

10. Surety bond. Except for a noncommercial driver education school exempt from license fees under subsection 5-A, paragraph D, the Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

[PL 2015, c. 473, §17 (AMD).]

SECTION HISTORY

PL 1995, c. 505, §15 (NEW). PL 1995, c. 505, §22 (AFF). PL 1995, c. 605, §2 (AMD). PL 1997, c. 776, §39 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 668, §116 (AMD). PL 2003, c. 394, §3 (AMD). PL 2003, c. 394, §6 (AFF). PL 2003, c. 545, §5 (REV). PL 2003, c. 652, §B7 (AMD). PL 2003, c. 652, §B8 (AFF). PL 2005, c. 411, §2 (AMD). PL 2011, c. 442, §§1, 2 (AMD). PL 2011, c. 556, §§10-20 (AMD). PL 2013, c. 381, Pt. B, §§20, 21 (AMD). PL 2013, c. 381, Pt. C, §3 (AMD). PL 2015, c. 473, §17 (AMD). PL 2019, c. 337, §§6, 7 (AMD). PL 2019, c. 352, §§4, 5 (AMD). PL 2019, c. 397, §20 (AMD). PL 2021, c. 216, §§42-44 (AMD). PL 2023, c. 257, §§14, 15 (AMD). PL 2023, c. 634, §26 (AMD).

§1355. Collection of license fees

(REPEALED)

SECTION HISTORY

PL 1995, c. 505, §16 (NEW). PL 1995, c. 505, §22 (AFF). PL 2005, c. 411, §3 (RP).

§1356. Motor Carrier Training Advisory Board

(REPEALED)

SECTION HISTORY

PL 1995, c. 605, §3 (NEW). PL 1999, c. 470, §22 (RP).

§1357. Advanced driver education

(REPEALED)

REVISOR'S NOTE: §1357. Communication services for deaf and hard-of-hearing persons (As enacted by PL 2005, c. 411, §4 is REALLOCATED TO TITLE 29-A, SECTION 1358)

SECTION HISTORY

PL 2005, c. 174, §1 (NEW). PL 2005, c. 606, §B3 (AMD). PL 2013, c. 381, Pt. B, §22 (RP).

§1358. Communication services for deaf and hard-of-hearing persons

(REALLOCATED FROM TITLE 29-A, SECTION 1357)

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

A. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real-time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen. [PL 2005, c. 411, §4 (NEW); RR 2005, c. 1, §13 (RAL).]

B. "CART provider" means a person who provides CART. [PL 2005, c. 411, §4 (NEW); RR 2005, c. 1, §13 (RAL).]

C. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and who must depend primarily upon visual communication. [PL 2005, c. 411, §4 (NEW); RR 2005, c. 1, §13 (RAL).]

D. "Hard-of-hearing person" means a person who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication. [PL 2005, c. 411, §4 (NEW); RR 2005, c. 1, §13 (RAL).]

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, section 1524-B or 1524-C. [PL 2019, c. 284, §2 (AMD).]

[PL 2019, c. 284, §2 (AMD).]

2. Licensed interpreter services or CART required for driver education. When a deaf or hard-of-hearing person is required to complete a driver education course and examination pursuant to section 1351 or 1352, the Secretary of State shall provide a licensed interpreter or CART provider to allow for completion of the driver education course and examination. Licensed interpreter services or CART provided under this section must be paid for by the Secretary of State.

[PL 2005, c. 411, §4 (NEW); RR 2005, c. 1, §13 (RAL).]

SECTION HISTORY

PL 2005, c. 411, §4 (NEW). RR 2005, c. 1, §13 (RAL). PL 2019, c. 284, §2 (AMD).

SUBCHAPTER 4

LICENSE

§1401. Contents of license

1. Required information. A license must state, at a minimum, the name, date of birth, place of residence or mailing address if different from the residence, of the licensee and the permanent number

assigned to that licensee. A name displayed on a license must be as the name appears on a birth certificate or a court order or as the result of marriage.
[PL 1995, c. 482, Pt. A, §24 (AMD).]

2. Photograph or digital image. A license, except for a temporary license, must bear a full-face photograph or digital image of the licensee. The following are exempt from the photographic or digital image requirement:

A. [PL 2003, c. 434, §19 (RP); PL 2003, c. 434, §37 (AFF).]

B. A person in active military service stationed outside the State; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Another person approved by the Secretary of State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2017, c. 229, §25 (AMD).]

3. Signature. A licensee's signature must appear in the place designated. The signature must be the same as the name displayed on the license. A license is not valid until signed.
[PL 1995, c. 645, Pt. A, §14 (AMD).]

4. Fee.
[PL 2003, c. 434, §20 (RP); PL 2003, c. 434, §37 (AFF).]

5. Record.
[PL 1999, c. 470, §23 (RP).]

6. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized by rule adopted pursuant to section 256. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.
[PL 2017, c. 229, §26 (AMD).]

7. Graphic design. The graphic design used on the license may not be reproduced, copied or distributed without the written consent of the Secretary of State. A violation of this subsection is a violation of section 2103, subsection 4.
[PL 1999, c. 470, §24 (NEW).]

8. Security components. The security components contained on the license may not be reproduced, copied or distributed without the written consent of the Secretary of State. A violation of this subsection is a violation of section 2103, subsection 4.
[PL 1999, c. 470, §24 (NEW).]

9. Use of biometric technology. The Secretary of State may use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or nondriver identification card and may use facial recognition technology to search its image records to provide information, including digital images, to law enforcement agencies only to aid in emergency circumstances involving an immediate threat to the life of a person or pursuant to rules adopted under this subsection. A person, agency or entity other than the Secretary of State may not use biometric technology to search the Secretary of State's image records.

The Secretary of State may adopt rules establishing additional circumstances in which it will provide information, including digital images, produced by searching its records using facial recognition technology to law enforcement agencies. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 634, §5 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §B15 (AMD). PL 1995, c. 482, §A24 (AMD). PL 1995, c. 645, §A14 (AMD). PL 1997, c. 437, §§33-35 (AMD). PL 1999, c. 470, §§23,24 (AMD). PL 2003, c. 434, §§19,20 (AMD). PL 2003, c. 434, §37 (AFF). PL 2011, c. 149, §§5, 6 (AMD). PL 2017, c. 27, §3 (AMD). PL 2017, c. 27, §10 (AFF). PL 2017, c. 229, §§25, 26 (AMD). PL 2019, c. 634, §5 (AMD).

§1402. Anatomical gifts

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 32, §3 (RP).

§1402-A. Anatomical gifts

1. Statement on anatomical gifts.
[PL 2007, c. 601, §3 (RP); PL 2007, c. 601, §9 (AFF).]

1-A. Anatomical gifts. A licensee or, beginning January 1, 2010, a nondriver identification card holder under section 1410 may make an anatomical gift under Title 22, chapter 710-B during the process of obtaining and renewing a license or nondriver identification card. After January 1, 2010, a licensee or nondriver identification card holder may make an anatomical gift in the periods between license and nondriver identification card renewals by requesting that the licensee or nondriver identification card holder be included in or eliminated from the Maine Organ Donor Registry.
[PL 2007, c. 601, §4 (NEW); PL 2007, c. 601, §9 (AFF).]

2. Organ donor decal, code or notation.
[PL 2007, c. 601, §5 (RP); PL 2007, c. 601, §9 (AFF).]

2-A. Organ and tissue donor notation. The Secretary of State shall print the license or nondriver identification card with a distinctive code or notation indicating the licensee's or card holder's inclusion in the Maine Organ Donor Registry.
[PL 2007, c. 601, §6 (NEW); PL 2007, c. 601, §9 (AFF).]

3. Information on organ and tissue donation. The Secretary of State shall make available information on organ and tissue donation to license applicants and holders. The Secretary of State shall also make information on organ and tissue donation available in offices of the Bureau of Motor Vehicles.
[PL 1997, c. 233, §1 (NEW).]

4. Anatomical gift coordination. In order to coordinate the donation of anatomical gifts and the receipt and transplantation of organs and tissues, beginning July 1, 2004, the Secretary of State shall perform the following duties.

A. The Secretary of State shall modify its existing database system to maintain the Maine Organ Donor Registry, referred to in this section as "the registry." The Secretary of State shall include information on donors who indicate their intention to donate through the Office of the Secretary of State. [PL 2003, c. 394, §4 (NEW); PL 2003, c. 394, §6 (AFF).]

B. [PL 2011, c. 168, §2 (RP).]

C. Information maintained in the registry must be made available through a secure site on the Internet, designed to guard donor and family privacy, to federally designated organ procurement organizations as necessary for the coordination of receipt of anatomical gifts and coordination of transplantation of organs and tissues. [PL 2003, c. 394, §4 (NEW); PL 2003, c. 394, §6 (AFF).]

D. [PL 2011, c. 168, §3 (RP).]

E. Notwithstanding Title 22, section 1711-C and any other provision of law to the contrary, a health care provider licensed in this State to provide primary health care shall provide information to a federally designated organ procurement organization regarding a patient who has indicated a willingness to become an organ donor under this section, Title 18-C, Article 5, Part 8 or Title 22, chapter 710-B if such information is provided in accordance with professional standards applicable to organ donation. [PL 2017, c. 402, Pt. C, §82 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2017, c. 402, Pt. C, §82 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

5. Effect. An expression of willingness to make an anatomical gift under this section has the same effect as a designation under Title 18-C, Article 5, Part 8 or Title 22, chapter 710-B. Revocation or suspension of the right to drive under this chapter does not affect the expressed willingness of a person to make an anatomical gift under this section.

[PL 2017, c. 402, Pt. C, §83 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1995, c. 32, §4 (NEW). PL 1997, c. 233, §1 (AMD). PL 1997, c. 437, §36 (AMD). PL 2003, c. 394, §4 (AMD). PL 2003, c. 394, §6 (AFF). PL 2005, c. 208, §3 (AMD). PL 2007, c. 601, §§3-8 (AMD). PL 2007, c. 601, §9 (AFF). PL 2011, c. 168, §§2, 3 (AMD). PL 2017, c. 402, Pt. C, §§82, 83 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1402-B. Organ Donation Advisory Council

1. Appointment; composition; term; compensation. The Organ Donation Advisory Council, established by Title 5, section 12004-I, subsection 36-E, referred to in this section as "the council," consists of 10 members as follows:

A. The Secretary of State or the secretary's designee; [PL 2011, c. 168, §4 (NEW).]

B. The Commissioner of Health and Human Services or the commissioner's designee; [PL 2011, c. 168, §4 (NEW).]

C. A representative of the Department of the Secretary of State, Bureau of Motor Vehicles, appointed by the Secretary of State; [PL 2011, c. 168, §4 (NEW).]

D. The president of a statewide medical society, appointed by the President of the Senate; [PL 2011, c. 168, §4 (NEW).]

E. A representative of a federally designated organ procurement organization serving the State, appointed by the Speaker of the House of Representatives; [PL 2011, c. 168, §4 (NEW).]

F. Three members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a recipient of a donated organ or tissue and at least one of whom must be a donor or a family member of a donor, appointed by the President of the Senate; and [PL 2011, c. 168, §4 (NEW).]

G. Two members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a doctor experienced in organ and tissue transplantation, appointed by the Speaker of the House of Representatives. [PL 2011, c. 168, §4 (NEW).]

All appointed members are appointed for a term of 3 years. A vacancy must be filled in the same manner as the position was originally filled for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. Members serve without compensation.

[PL 2011, c. 168, §4 (NEW).]

2. Meetings; reports. The council shall meet at least 4 times a year and convene special meetings at the call of the chair, a majority of the members of the council or the Secretary of State. The members

of the council shall elect a chair, except that the Secretary of State may not be chair. The council shall make an annual report to the Governor that must include an account of all actions taken to further organ and tissue donation and file a copy of the report to the Secretary of State, the Secretary of the Senate and the Clerk of the House of Representatives.
[PL 2011, c. 168, §4 (NEW).]

3. Duties. The council shall:

A. Assist the Secretary of State in coordinating the efforts of all public and private agencies within the State concerned with the donation and transplantation of organs and tissues; [PL 2011, c. 168, §4 (NEW).]

B. Advise the Secretary of State on policy and priorities of need in the State for a comprehensive program relating to organ and tissue donation and transplantation; [PL 2011, c. 168, §4 (NEW).]

C. Assist the Secretary of State in developing strategies to increase donations that the council may find effective; [PL 2013, c. 127, §2 (AMD); PL 2013, c. 127, §5 (AFF).]

D. Establish numerical goals for increasing organ and tissue donation rates in the State, to include a baseline account of current organ and tissue donation rates, as well as periodic benchmarks for success. The bureau may provide monthly donor designation rates for each branch office of the bureau to assist in identifying goals; and [PL 2013, c. 127, §2 (AMD); PL 2013, c. 127, §5 (AFF).]

E. Administer the Maine Organ and Tissue Donation Fund established in subsection 4. [PL 2013, c. 127, §3 (NEW); PL 2013, c. 127, §5 (AFF).]
[PL 2013, c. 127, §§2, 3 (AMD); PL 2013, c. 127, §5 (AFF).]

4. Maine Organ and Tissue Donation Fund. The Maine Organ and Tissue Donation Fund, referred to in this subsection as "the fund," is established as an interest-bearing account administered by the council for the purpose of facilitating the education and registration of residents of the State in organ donation. Any private or public funds appropriated, allocated, dedicated or donated to the fund, including from the Maine Organ and Tissue Donation Fund checkoff under section 1312, must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years. All money received into the fund must be used for the purposes of the fund except that balances in the fund may be used for the necessary expenses of the council in the administration of the fund.
[PL 2013, c. 127, §4 (NEW); PL 2013, c. 127, §5 (AFF).]

SECTION HISTORY

PL 2011, c. 168, §4 (NEW). PL 2013, c. 127, §§2-4 (AMD). PL 2013, c. 127, §5 (AFF).

§1403. Advance health care directive

Subject to available funding, the Secretary of State shall make advance health care directive forms available in offices of the Bureau of Motor Vehicles. The form must be in substantially the form provided in Title 18-C, section 5-805 and with the addition of the following information at the end: "Completion of this form is optional." [PL 2017, c. 402, Pt. C, §84 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 378, §B5 (AMD). PL 2017, c. 402, Pt. C, §84 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1404. Design layout or marking of license of a minor

The Secretary of State shall provide that a license issued to a person less than 21 years of age bears a distinctive design layout or marking. [PL 2019, c. 397, §21 (AMD).]

1. Under 21.
[PL 2009, c. 598, §34 (RP).]

2. Prior convictions.
[PL 2009, c. 598, §34 (RP).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 645, §B14 (AMD). PL 1995, c. 645, §B24 (AFF). PL 1997, c. 318, §1 (AMD). PL 1997, c. 617, §1 (AMD). PL 2005, c. 606, §B4 (AMD). PL 2009, c. 447, §29 (AMD). PL 2009, c. 598, §34 (AMD). PL 2019, c. 397, §21 (AMD).

§1404-A. Deaf or hard-of-hearing designation

The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing, print a driver's license or nondriver identification card with a distinctive marker or code to indicate that the person is deaf or hard-of-hearing. The Secretary of State may require appropriate documentation that a person is deaf or hard-of-hearing before issuing the driver's license or nondriver identification card. For purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the same meanings as in section 1358, subsection 1. [PL 2019, c. 397, §22 (AMD).]

SECTION HISTORY

PL 2007, c. 123, §1 (NEW). PL 2019, c. 397, §22 (AMD).

§1405. Duplicate documents

1. Lost or destroyed licenses, nondriver identification cards, registration certificates and learner's permits. If a license, nondriver identification card, registration certificate or learner's permit is lost or destroyed, a person may obtain a duplicate upon furnishing proof of loss or destruction.
[PL 2013, c. 381, Pt. B, §23 (AMD).]

2. Additional licenses, nondriver identification cards, registration certificates and learner's permits. If satisfied that public safety will not be endangered, the Secretary of State may issue a duplicate to a person who has an original.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Fee.
[PL 2017, c. 475, Pt. A, §47 (RPR); MRSA T. 29-A §1405, sub-§3 (RP).]

3-A. Fee. The fee for a duplicate registration certificate is $5. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is $5. The fee for a duplicate license or duplicate nondriver identification card under section 1260 is $30. The fee for the expedited issuance of a duplicate license or nondriver identification card, including the expedited issuance of a duplicate license or nondriver identification card under section 1260, is an additional $10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.
[PL 2019, c. 352, §6 (AMD).]

4. Change of information. When any change is made on a driver's license, nondriver identification card, registration certificate or learner's permit, that updated driver's license, nondriver identification card, registration certificate or learner's permit is considered a duplicate.
[PL 2019, c. 397, §23 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §A25 (AMD). PL 1997, c. 437, §§37,38 (AMD). PL 2003, c. 434, §21 (AMD). PL 2003, c. 434, §37 (AFF). PL 2013, c. 381, Pt. B, §23 (AMD). PL 2015, c. 206, §7 (AMD). PL 2017, c. 27, §4 (AMD). PL 2017, c. 27, §10 (AFF). PL 2017, c. 229, §27 (AMD). PL 2017, c. 475, Pt. A, §§47, 48 (AMD). PL 2017, c. 475, Pt. A, §49 (AFF). PL 2019, c. 352, §6 (AMD). PL 2019, c. 397, §23 (AMD).

§1406. Expiration

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 434, §22 (RPR). PL 2003, c. 434, §37 (AFF). PL 2007, c. 329, Pt. R, §1 (AMD). PL 2007, c. 648, §2 (AMD). PL 2011, c. 356, §19 (AMD). PL 2013, c. 51, §§3-5 (AMD). PL 2013, c. 381, Pt. B, §24 (RP).

§1406-A. Expiration

1. Driver's license fees; expiration of license; persons under 65 years of age. The following provisions apply to the expiration of a driver's license for persons under 65 years of age.

A. Except as provided in section 1255, a noncommercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance. The following fees apply.

(1) The fee for the 6-year noncommercial driver's license is $30.

(2) The fee for the 6-year noncommercial driver's license under section 1260 is $55. [PL 2017, c. 27, §5 (AMD); PL 2017, c. 27, §10 (AFF).]

B. Except as provided in section 1255, a commercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 5th birthday following the date of issuance. The following fees apply.

(1) The fee for the 5-year commercial driver's license is $34.

(2) The fee for the 5-year commercial driver's license under section 1260 is $59. [PL 2017, c. 27, §5 (AMD); PL 2017, c. 27, §10 (AFF).]

C. [PL 2013, c. 381, Pt. B, §25 (NEW); MRSA T. 29-A §1406A, sub1, ¶C (RP).]
[PL 2017, c. 27, §5 (AMD); PL 2017, c. 27, §10 (AFF).]

2. Driver's license fees; expiration of license; persons 65 years of age and over. A noncommercial or commercial driver's license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on the license holder's 4th birthday following the date of issuance. The following fees apply.

A. The fee for the 4-year noncommercial driver's license is $20. [PL 2019, c. 352, §7 (AMD).]

B. The fee for the 4-year noncommercial driver's license under section 1260 is $40. [PL 2019, c. 352, §7 (AMD).]

C. The fee for the 4-year commercial driver's license is $27. [PL 2019, c. 352, §7 (AMD).]

D. The fee for the 4-year commercial driver's license under section 1260 is $47. [PL 2019, c. 352, §7 (AMD).]
[PL 2019, c. 352, §7 (AMD).]

2-A. Expedited issuance of driver's license. An applicant requesting the expedited issuance of a driver's license under this section must pay an additional fee of $10 and provide the reason for the request. The Secretary of State shall determine if expedited issuance is warranted.
[PL 2017, c. 229, §28 (NEW).]

3. Leap year birthday. For the purposes of this section, a person born on February 29th is deemed to have been born on March 1st.
[PL 2013, c. 381, Pt. B, §25 (NEW).]

4. Renewals. Prior to the expiration of a license to operate a motor vehicle, the Secretary of State shall send the license holder a renewal notice.
[PL 2013, c. 381, Pt. B, §25 (NEW).]

5. Expiration of license; lawfully present noncitizens. Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or the otherwise applicable expiration date of the license under this section, whichever occurs first. A license issued under this subsection must be valid for a period of at least 120 days.
[PL 2013, c. 381, Pt. B, §25 (NEW).]

SECTION HISTORY

PL 2013, c. 381, Pt. B, §25 (NEW). PL 2017, c. 27, §5 (AMD). PL 2017, c. 27, §10 (AFF). PL 2017, c. 229, §28 (AMD). PL 2019, c. 352, §7 (AMD).

§1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within 30 days, notify the Secretary of State, in writing or by other means approved by the Secretary of State, of the old and new addresses or former and new names and of the number of the licenses and registrations held. [PL 2009, c. 435, §19 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 645, §B15 (AMD). PL 2009, c. 435, §19 (AMD).

§1408. License or permit to be carried and exhibited on demand

1. Immediate possession required. A licensee, including a temporary licensee or holder of a learner's permit, must have the license in immediate possession when operating a motor vehicle. Possession may be in electronic form. For purposes of this section, "electronic form" means a digital representation of the information contained in a physical license or permit on a portable electronic device.
[PL 2017, c. 229, §29 (AMD).]

2. Display. On demand of a law enforcement officer, the licensee must produce the license or an electronic version of the license for inspection. The use of a portable electronic device to provide license information does not constitute consent for a law enforcement officer to access other contents of the portable electronic device.
[PL 2017, c. 229, §30 (AMD).]

3. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.
[PL 1999, c. 771, Pt. C, §10 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

SECTION HISTORY

RR 1993, c. 2, §22 (COR). PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 771, §C10 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2013, c. 381, Pt. B, §26 (AMD). PL 2017, c. 229, §§29, 30 (AMD).

§1409. Amputee and disabled veteran

A license fee is not required from: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Federal motor vehicle. An amputee veteran who has received a motor vehicle from the United States Government under authority of P.L. 663, 79th Congress, as amended, or P.L. 187, 82nd Congress, as amended;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Service-connected disability. An amputee veteran receiving compensation for service-connected disability from the Veterans Administration or the United States Armed Forces and who has a specially designed motor vehicle; or
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. One hundred percent permanent service-connected disability. A veteran with a permanent disability who receives 100% service-connected benefits.
[PL 1997, c. 437, §39 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §39 (AMD).

§1410. Nondriver identification cards; information; fee

1. Application. A nondriver identification card may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. A post office box or mail drop address alone is not sufficient to meet this requirement. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within the State may apply for a nondriver identification card without establishing a Maine residence or domicile. The documents acceptable to establish residence or domicile must include the applicant's name and the address of the person's residence or domicile in this State. Acceptable documentary evidence under this subsection is the same as for a license under section 1301, subsection 11, paragraphs A and B.

A. The application form must include, directly above the signature line, the following notice to the applicant: "I understand that knowingly supplying false information on this form is a Class D crime under Title 17-A, punishable by confinement of up to 364 days or by monetary fine of up to $2,000, or both." [PL 2007, c. 659, §2 (RPR).]
[PL 2007, c. 659, §2 (RPR).]

2. Issuance of card; contents. Except as provided by section 1255, upon receipt of a completed application and payment of a fee of $5, the Secretary of State shall issue a nondriver identification card to the applicant. If an applicant is the holder of a motor vehicle driver's license bearing a photograph or digital image of the individual and issued under this chapter, the Secretary of State or the Secretary of State's representative may refuse to issue a nondriver identification card. The Secretary of State shall provide that a nondriver identification card issued to a person less than 21 years of age has a distinctive design layout or marking. Each nondriver identification card must contain:

A. The applicant's photograph or digital image; [PL 1997, c. 437, §40 (NEW).]

B. The applicant's name and address; [PL 1997, c. 437, §40 (NEW).]

C. The applicant's date of birth; and [PL 2001, c. 671, §27 (AMD).]

D. [PL 2001, c. 671, §28 (RP).]

E. Any other information and identification that the Secretary of State by rule requires. [PL 1997, c. 437, §40 (NEW).]

[PL 2019, c. 397, §24 (AMD).]

2-A. Expedited issuance of nondriver identification cards. An applicant requesting the expedited issuance of a nondriver identification card under this section must pay an additional fee of $10 and provide the reason for the request. The Secretary of State shall determine if expedited issuance is warranted.

[PL 2017, c. 229, §31 (NEW).]

3. Validity. A nondriver identification card issued under this section is not valid until signed by the applicant.

[PL 1997, c. 437, §40 (NEW).]

4. Expiration. Each nondriver identification card issued pursuant to this section expires at midnight on the nondriver identification card holder's 6th birthday following the date of issuance.

[PL 2013, c. 381, Pt. B, §27 (AMD).]

5. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a nondriver identification card are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a nondriver identification card. A violation of this subsection is a violation of section 2103, subsection 4.

[PL 2011, c. 149, §7 (RPR).]

6. Penalty. A person who knowingly supplies false information on an application required under subsection 1 commits a Class D crime. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[RR 2019, c. 2, Pt. A, §29 (COR).]

7. Maine Indian tribe identification cards. An official identification card issued by a federally recognized Indian tribe in the State is deemed an identification card issued under this section. Cards issued under this subsection may be issued only to members of the tribe and must be stamped and issued by the clerk of the tribe. The identification card must state, at a minimum, the name, date of birth and place of residence, or mailing address if different from the residence, of the cardholder.

[PL 2001, c. 80, §1 (NEW).]

8. Legal presence requirement. The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States. Valid documentary evidence of legal presence for a United States citizen may include a United States passport that has been expired for less than 2 years.

[PL 2023, c. 634, §27 (AMD).]

9. Expiration of nondriver identification card; lawfully present noncitizens. Notwithstanding any law to the contrary, a nondriver identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A nondriver identification card issued under this subsection must be valid for a period of at least 120 days.

[PL 2007, c. 648, §4 (NEW).]

10. Selective service registration. Before issuing or renewing a nondriver identification card to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant a short statement on the requirements of the federal

Military Selective Service Act, 50 United States Code, Section 453 and a federal Military Selective Service registration form. If an applicant consents to register with the federal Selective Service System pursuant to this subsection, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.
[PL 2011, c. 170, §2 (NEW).]

11. REAL ID compliant nondriver identification card; fee. The fee for a nondriver identification card under section 1260 is $30.
[PL 2017, c. 27, §7 (NEW); PL 2017, c. 27, §10 (AFF).]

SECTION HISTORY

PL 1997, c. 437, §40 (NEW). PL 2001, c. 80, §1 (AMD). PL 2001, c. 671, §§27,28 (AMD). PL 2007, c. 648, §§2-4 (AMD). PL 2011, c. 149, §7 (AMD). PL 2011, c. 170, §2 (AMD). PL 2013, c. 51, §6 (AMD). PL 2013, c. 163, §2 (AMD). PL 2013, c. 381, Pt. B, §27 (AMD). PL 2017, c. 27, §§6, 7 (AMD). PL 2017, c. 27, §10 (AFF). PL 2017, c. 229, §31 (AMD). PL 2019, c. 397, §24 (AMD). RR 2019, c. 2, Pt. A, §29 (COR). PL 2023, c. 634, §27 (AMD).

§1410-A. Acquired brain injury identification cards

Beginning January 1, 2020, the Secretary of State shall issue, on the request of a person who elects to receive it, an acquired brain injury identification card in accordance with this section. [PL 2019, c. 506, §1 (NEW).]

1. Issuance. Upon receipt of a completed application and payment of a fee of $5 by an applicant, the Secretary of State shall issue a wallet-sized acquired brain injury identification card to the applicant. For the purposes of this section, "acquired brain injury" has the same meaning as in Title 22, section 3086. Each acquired brain injury identification card must contain:

A. The name and address of the person to whom the card is issued; [PL 2019, c. 506, §1 (NEW).]

B. The seal of the State; [PL 2019, c. 506, §1 (NEW).]

C. A statement that the card holder has an acquired brain injury; and [PL 2019, c. 506, §1 (NEW).]

D. Any additional information about acquired brain injury as determined by the Secretary of State under subsection 3. [PL 2019, c. 506, §1 (NEW).]

The issuance of an acquired brain injury identification card does not license, permit or privilege a person to operate a motor vehicle and may not be used for official identification purposes in place of a driver's license or nondriver identification card.
[PL 2019, c. 506, §1 (NEW).]

2. Application. A completed application for an acquired brain injury identification card must contain the following:

A. The name, date of birth, address and telephone number of the person requesting the card; and [PL 2019, c. 506, §1 (NEW).]

B. Any appropriate documentation that a person has an acquired brain injury as determined by the Secretary of State by rule. [PL 2019, c. 506, §1 (NEW).]
[PL 2019, c. 506, §1 (NEW).]

3. Additional information. The Secretary of State may determine by rule any additional information about acquired brain injury that must be placed on an acquired brain injury identification card.
[PL 2019, c. 506, §1 (NEW).]

4. Rulemaking. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 506, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 506, §1 (NEW).

§1411. Prohibition against participation in the federal REAL ID Act of 2005

(REPEALED)

SECTION HISTORY

PL 2007, c. 251, §1 (NEW). PL 2017, c. 327, §18 (RP).

§1412. Military service designation for active military personnel and veterans

The Secretary of State shall, at the request of an eligible applicant, issue a driver's license or nondriver identification card to that applicant with a military service designation that identifies the applicant as a person actively serving in the United States Armed Forces or as a veteran of the United States Armed Forces. [PL 2011, c. 356, §20 (NEW).]

1. Eligibility. In order to make a determination of eligibility for a military service designation under this section, the bureau shall determine, based on an examination of an applicant's military identification, whether the following criteria are met:

A. The applicant is serving in the United States Armed Forces as defined in 10 United States Code, Section 101(a)(4) (2011); or [PL 2011, c. 356, §20 (NEW).]

B. The applicant has served in the United States Armed Forces as defined in 10 United States Code, Section 101(a)(4) (2011) and has been honorably discharged. To receive the designation under this paragraph, the applicant must provide an Armed Forces Report of Transfer or Discharge, DD Form 214, or a certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge. [PL 2011, c. 356, §20 (NEW).]
[PL 2011, c. 356, §20 (NEW).]

2. Renewal. A license or nondriver identification card with a military service designation issued in accordance with subsection 1, paragraph A may be renewed upon verification of continuing eligibility.
[PL 2011, c. 356, §20 (NEW).]

3. Design and location. The Secretary of State shall determine the design and location on the license and nondriver identification card for the military service designation under this section.
[PL 2011, c. 356, §20 (NEW).]

SECTION HISTORY

PL 2011, c. 356, §20 (NEW).

SUBCHAPTER 5

DRIVER LICENSE COMPACT

ARTICLE 1

COMPACT

§1451. Findings and declaration of policy -- Article I

1. Findings. The party states find that:

A. The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances related to the operation of motor vehicles; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Violation of such a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The continuance in force of a license to drive is predicated upon compliance with laws and ordinances related to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Policy. It is the policy of each of the party states to:

A. Promote compliance with the laws, ordinances and administrative rules and regulations related to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1452. Definitions -- Article II

As used in this compact: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Conviction. "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Home state. "Home state" means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. State. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1453. Reports of conviction -- Article III

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. The report must clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and must include any special findings made in connection with the conviction. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1454. Effect of conviction -- Article IV

1. Convictions. The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

A. Manslaughter or negligent homicide resulting from the operation of a motor vehicle; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Any felony in the commission of which a motor vehicle is used; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Other convictions. As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Similar offenses. If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subsection 1 of this Article, the party state shall construe the denominations and descriptions appearing in subsection 1 as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of the party state must contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1455. Applications for new licenses -- Article V

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made may not issue a license to drive to the applicant if: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. License suspended. The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated;

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. License revoked. The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways; or
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Surrender of license. The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1456. Applicability of other laws -- Article VI

Except as expressly required by provisions of this compact, nothing contained herein may be construed to affect the right of any party state to apply any of its other laws related to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1457. Compact administrator and interchange of information -- Article VII

The head of the licensing authority of each party state shall be the administrator of this compact for that state. The administrators, acting jointly, have the power to formulate all necessary and proper procedures for the exchange of information under this compact. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1458. Entry into force and withdrawal -- Article VIII

This compact must enter into force and become effective as to any state when it has enacted the same into law. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal may take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal may affect the validity or applicability by the licensing authorities of the states remaining party to the compact of any report of conviction occurring prior to the withdrawal. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1459. Construction and severability -- Article IX

This compact must be liberally construed so as to effectuate the purposes thereof. The provisions of this compact must be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States of the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance may not be affected thereby. If this compact is held contrary to the constitution of any state party thereto, the compact must remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

ARTICLE 2

PROVISIONS RELATED TO COMPACT

§1471. Ratification

The driver license compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as provided in this subchapter. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1472. Licensing authority

As used in the compact, the term "licensing authority" with reference to this State, means the Secretary of State. The Secretary of State shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1473. Expenses

The compact administrator provided for in Article VII of the compact is not entitled to any additional compensation on account of service as administrator, but is entitled to expenses incurred in connection with duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of office or employment. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1474. Executive head defined

As used in the compact, with reference to this State, the term "executive head" means the Governor. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1475. Duty of court to report action on licenses

Any court of this State, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Secretary of State within 5 days on forms furnished by the Secretary of State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

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