

# **Written Testimony in Support of LD 1398 and LD 1359 “An Act to Change Driver's License Requirements for Obstructive Sleep Apnea”**

**Respectfully Submitted by David Lynch, Fryeburg, Maine**

**\*Please contact me with questions or to request additional information about my testimony by calling (256) – 508 – 5703 or e-mailing davidmontlynch@yahoo.com**

**\*\*Please note that I will limit the length of my oral testimony to the Transportation Committee to briefly summarizing the more extensive written testimony provided below**

## **Part I: Introduction and Background**

**My Personal Story and Why I Support this Bill:** My name is David Lynch and I am from Fryeburg, Maine. I wish to testify in support of both LD 1398 and LD 1359 “An Act to Change Driver’s License Requirements for Obstructive Sleep Apnea.”

I have worked for a small non-profit company based in Maine that provides intensive home, school, and community based behavioral and mental health therapeutic supports for youth and families in Maine and New Hampshire for the past 6 years. I am a Licensed Clinical Social Worker in the state of New Hampshire and I am a certified Behavioral Health Professional in the state of Maine. I currently provide therapeutic support to youth and families from both the states of New Hampshire and Maine. This past August, I moved a few miles east across the state line from Bartlett, New Hampshire to Fryeburg, Maine after marrying my wife Dawn because we needed a larger home to start our family and were given a wonderful housing opportunity in Fryeburg. My wife and I are also currently licensed as Maine Resource Parents and we are in the process of fostering to adopt an older special needs child from the Maine foster care system.

Although I was not officially diagnosed until 4 years ago when I completed a sleep study, I have struggled with Obstructive Sleep Apnea for the past 26 years. After being diagnosed with Obstructive Sleep Apnea four years ago, I was prescribed the use of a CPAP machine with a full face mask because I breathe through my mouth when I sleep. I used the CPAP machine for over a month after it was first prescribed to me but I found it difficult to sleep with the machine because it is extremely uncomfortable and therefore did not improve my overall sleep quality, especially since I am a stomach sleeper. After the month trial, I spoke with my doctor and we agreed that it made sense for me to discontinue use of the CPAP because it was not improving my sleep quality and I was not struggling with significant daytime drowsiness. Since I am a mouth breather when I sleep, my doctor was unable to recommend any other effective therapeutic intervention for my sleep apnea aside from CPAP with a full face mask.

I have been driving and held a valid state issues driver’s license for the past 27 years and my driving record is completely clean. I have never received a moving violation ticket or any other legal charges related to my driving, I have never had a miss or near miss accident caused by drowsiness or distracted driving, and I have no history of falling asleep while driving. Neither my doctor nor anyone in my life has ever expressed concern about my safety as a driver due to my obstructive sleep apnea or for any other reason.

Nevertheless, when I moved to Maine last August and I tried to transfer my driver’s license from New Hampshire to Maine, I was required to check a box on the Maine driver’s license application indicating that I have obstructive sleep apnea. Maine BMV provided me with a form for my doctor to complete on which my doctor was required to indicate that I was “non-responsive or non-adherent” to therapy per

Maine's requirements since I was not using my CPAP machine at that time. Consequently, I received a letter signed by the Secretary of State at that, Mathew Dunlap, informing me that my driver's license would be suspended.

Fryeburg, like much of Maine, is rural and has no public transportation. Consequently, if my driver's license were to be suspended, I would lose my job because I would have no way to travel to the homes and schools of the youth and families for whom I provide therapeutic support. If I were to lose my job, I would lose my ability to provide financially for my family and pay rent for the home in which we currently live. If I were to lose my driver's license and my job, then I would also lose the ability to provide stable housing and the capacity to meet the financial needs of the older girl with special needs that my wife and I are currently fostering to adopt from Maine's foster care system. If my wife and I were to no longer have the stable housing and financial means necessary to adopt this girl, we would become both one more failed placement for her and her dream of having her own forever family would be once again deferred. Additionally, if I could no longer keep my current job due suspension of my driver's license, all the youth and families that I currently serve professionally would abruptly lose my support. Mental and behavioral health and service providers in rural Maine are already limited. In short, suspension of my driver's license would not only harm me – it would harm my family and cause significant harm to many vulnerable Maine youth and families that count on me.

I contacted both my state senator at the time, Senator Hamper, and my state representative, Nathan Wadsworth, to request help. They both intervened on my behalf and I received a phone call from Thea Fickett from BMV's Medical Review Section. Ms. Fickett agreed to grant me an extension on my driver's license to allow me sufficient time to work with my doctor to resume the use of my CPAP machine and demonstrate to the BMV responsiveness and adherence to CPAP therapy per Maine guidelines. I was able to comply with the BMV's requirements and avoid suspension of my driver's license.

However, use of the CPAP machine and full facial mask still does not improve my sleep quality nor does it decrease my daytime drowsiness because of the discomfort that it causes for me and the number of times that I wake up during the night from this discomfort. Maine BMV orders me to use CPAP for at least 4 hours a night to avoid driver's license suspension and after I have served my time each night for the state of Maine, I eagerly pull off the CPAP mask so that I can enjoy a decent night's sleep for the remainder of the night. So far, I have been extremely fortunate that I have not suffered from a cold or other sinus difficulty since moving to Maine because it is harmful to a person's health to use a CPAP machine when that person has a stuffy nose, sore throat, cough, or other sinus difficulty until the condition clears.

Although I dodged the initial bullet of having my driver's license suspended, my career ruined, and the loss of my ability to support my family and future adopted daughter, I remain under continued surveillance for CPAP compliance by Maine's BMV Medical Review Section. Every year, if the current policy remains unchanged, Maine BMV will require my doctor to submit another form documenting that I am compliant and successful with meeting the state's requirements for effective sleep apnea therapy to avoid suspension of my driver's license. Consequently, until this policy is changed, I and many other Maine citizens like me that have a diagnosis of obstructive sleep apnea will continue to be forced to serve 4 hours a night of CPAP compliance to appease the BMV and avoid the suspension of our driver's license, the loss of our jobs, and the loss of the ability to support our families even if we have a completely safe driving record.

**Summary of Current BMV Policy Regarding Obstructive Sleep Apnea and Maine Driver's Licenses that this Bill Seeks to change:** Current Maine law provides wide latitude for Maine's Secretary of State, officials working under the Maine Secretary of State, and the Medical Advisory Board for the Maine Bureau of Motor Vehicles to develop and enforce rules for Maine citizens diagnosed with a large variety of medical and mental health conditions and disabilities, including obstructive sleep apnea, to obtain, renew, and avoid the suspension of a Class C Driver's license. Under the authority currently delegated to the Maine Secretary of State, BMV's Medical Advisory Board, and other designated officials by this statute, current written rules require the BMV to refuse to issue or to renew a Class C Driver's License and to suspend a Class C Driver's License that has already been issued if the driver has been diagnosed with Obstructive Sleep Apnea and is "non-responsive or non-adherent to therapy" as defined by Maine's Functional Ability Profile. Specifically, a driver is deemed "non-responsive or non-adherent to therapy" if they have 15 or more obstructive events per hour during sleep. If the driver requires use of a CPAP machine to reduce his/her obstructive events per hour to less than 15 (the standard treatment for Obstructive Sleep Apnea), then the driver is required to use the CPAP machine successfully for at least 4 hours a night 70% of the time. Current rules require the refusal to issue or to renew a Class C Driver's License and to suspend an already issued Class C Driver's License for all Maine drivers that are "non-compliant or non-adherent to therapy" even if that driver has a safe driving record with no history of accidents or near misses, no traffic violations, and the driver's physician has no concerns about the driver's safety. The Maine Bureau of Motor Vehicles Medical Review Section monitors all Maine drivers that have been diagnosed with obstructive sleep apnea by requiring the driver to submit documentation from his/her physician annually to demonstrate that the driver has complied with Maine's requirements for use of CPAP. The Maine Bureau of Motor Vehicles initially identifies Maine drivers that have a diagnosis of Obstructive Sleep Apnea by legally mandating all drivers with this diagnosis to self-report on their initial application or renewal application for a Class C Driver's License.

## **Part II: Arguments to Support Passage of LD 1398 and LD 1359**

**1) Fundamentally, this bill allows you to balance the need to maintain public safety on the road while protecting individual rights. This bill would only exempt those drivers holding a Class C Driver's License (not commercial drivers) with a safe driving record from the current BMV requirement to demonstrate and maintain "responsiveness and adherence" to sleep apnea therapy.** Any driver diagnosed with obstructive sleep apnea that has demonstrated through their behaviors that they possess a risk to public safety when driving by having a history of a moving violation or other legal sanction for unsafe driving due to drowsiness, a history of causing an accident or near miss due to drowsiness, or a history of falling asleep while driving will still be required to demonstrate "responsiveness and adherence" to sleep apnea therapy per Maine's requirements to keep their driver's license. **We live in a society that holds people accountable for their choices and behaviors, not their medical diagnoses and disabilities and Maine's policies need to reflect this value.**

**2) The decision about whether to use a CPAP or other therapies for patients diagnosed with Obstructive Sleep Apnea should be left to a patient's treating doctor and that patient and should not be mandated by Maine's Secretary of State to avoid suspension of a Class C Driver's License if the driver maintains a safe driving record. Patients and their doctors, not state government officials, should determine medical treatment.** Use of CPAP, especially for patients that require a full-face mask due to mouth breathing, can be extremely uncomfortable and challenging. Due to the extreme discomfort of a CPAP machine, some patients get even less sleep when using the machine due to inability to fall asleep or frequently waking up throughout the night. Further, doctors often advise patients with sinus symptoms, congestion, coughing, sore throats, etc. caused by colds and other viruses to take a break

from using their CPAP machine until their condition clears to avoid exacerbating their symptoms. Consequently, many patients with Obstructive Sleep Apnea struggle to use CPAP successfully.

**3) Most other states do not require drivers diagnosed with Obstructive Sleep Apnea with a safe driving record to demonstrate compliance with treatment to maintain a basic driver's license (Class C driver's license in Maine).** While many states, including Maine, require holders of a commercial driver's license (eg. truck drivers) to successfully treat Obstructive Sleep Apnea, this requirement makes sense because these are professional drivers that are driving large trucks, buses, or other large commercial vehicles for many hours a day. In contrast, a driver with a class C driver's license just has a standard driver's license that allows them to drive a car or other personal vehicle for personal use.

**4) The current policy creates the unintended consequence of discouraging Mainers from obtaining a diagnosis of and treatment for sleep apnea thereby actually making Maine roads more unsafe.** Sleep apnea is not narcolepsy and patients with sleep apnea do not typically fall asleep behind the wheel while driving. Most people that snore loudly while sleeping suffer from sleep apnea. **According to Maine's Bureau of Motor Vehicles Medical Review Section, it is estimated that 25% of adult men in the United States suffer from Obstructive Sleep Apnea, although for many folks their sleep apnea has never been diagnosed and therefore remains untreated. As more Mainers learn that a diagnosis of Obstructive Sleep Apnea will cause them to be closely monitored for treatment compliance by the Maine Bureau of Motor Vehicles Medical Review Section for the rest of their lives if they continue to hold a Maine driver's license, many Mainers will likely avoid completing the necessary sleep study to obtain a diagnosis of Obstructive Sleep Apnea.** If a Mainer does not complete the necessary sleep study to obtain the diagnosis of Obstructive Sleep Apnea, then that Mainer can avoid government monitoring and will have a much lower risk of having his/her driver's license suspended. I personally know several Mainers that likely struggle with sleep apnea that plan to not be tested and seek treatment for sleep apnea because they don't want to subject themselves to government monitoring and risk suspension of their drivers license.

**5) Maintaining a driver's license is essential for the survival of many Maine residents that live in rural areas with no public transportation.** Mainers in rural areas need a driver's license for transportation to/from their jobs, the ability to run essential errands, etc. The Maine Secretary of State suspending a person's driver's license solely because that person has a diagnosis of Obstructive Sleep Apnea and is not compliant or successful with treatment even if that person has a safe driving record causes significant unnecessary harm to those Maine residents.

**6) Empowering the Maine Bureau of Motor Vehicles Medical Review Section to dictate and closely monitor the medical treatment compliance of Maine residents that have not violated any laws and have a safe driving record is both a significant violation of privacy and extreme government over-reach.**

**7) The Maine Bureau of Motor Vehicles Medical Review Section can provide no concrete statistics to demonstrate that their current rules for drivers diagnosed with Obstructive Sleep Apnea has prevented traffic accidents in Maine or made driving in Maine safer.** What Maine BMV will offer to support their current rules is a review of medical literature which indicates that drowsy drivers cause more accidents and drivers with untreated Obstructive Sleep Apnea tend to be more drowsy. Yet, drivers could be drowsy for numerous other reasons as well such as not getting enough sleep the night before, working long hours, sickness, having a newborn baby in the home, etc. Yet, Maine currently has no law or rules requiring drivers to have a certain minimum number of hours of sleep prior to driving and Maine does not monitor drivers that work long hours, have a newborn baby, etc. to ensure that they are not driving while

drowsy. Instead, the state allows each driver to make a responsible decision about whether he/she is awake enough to drive safely. If the driver makes an unsafe decision to drive while drowsy and causes an accident or commits a traffic violation, that driver is held accountable for his/her unsafe choice. **Why does the state of Maine refuse to extend the right to make a responsible decision about whether he/she is awake and alert enough to drive to those Maine drivers with a diagnosis of Obstructive Sleep Apnea even when that driver has a safe driving record and no history of making irresponsible decisions?**

**8) In a democratic republic, policies that can lead to the loss of essential opportunities necessary for survival (eg. transportation to a person's job, the grocery store, medical appointments, etc.) for Maine citizens should be made by elected officials that answer to Maine voters and not by unelected government bureaucrats and unrepresentative advisory boards.** Officials in the Maine Secretary of State's Office and members of the BMV's Medical Advisory Board currently empowered to create policy for Maine drivers diagnosed with Obstructive Sleep Apnea are not democratically elected officials. Additionally, the BMV's Medical Advisory Board which has sole authority to make policy recommendations to Maine's Secretary of State regarding regulation of drivers with medical conditions such as obstructive sleep apnea fails to adequately represent Mainers because this advisory board only comprises doctors and does not include other disciplines such as disability rights advocates or representatives of citizens with medical conditions affected by the policies made by this board. While I believe that the doctors comprising the BMV's Medical Advisory Board and other officials in the Maine Secretary of State's office make policy decisions based on good intentions, since they have no accountability to and do not represent the voting public, these officials are insulated from and unaware of the unintended harmful consequences of the policies that they pass. For these reasons, it would be unjust and an abdication of legislative responsibility for the Maine House and Senate to continue to defer to the Maine Secretary of State and the BMV's Medical Advisory Board on policy decisions governing Maine drivers diagnosed with Obstructive Sleep Apnea.

**8) The current rules governing Maine drivers diagnosed with Sleep Apnea violate the federal Americans with Disabilities Act because these rules create discriminatory policies for obtaining and maintaining a valid driver's license that only applies to members of this protected class (citizens with the disability of obstructive sleep apnea). These rules unnecessarily and unjustly limit the ability of this group of Maine citizens to access basic opportunities essential for survival solely because of their disability while failing to provide reasonable alternative accommodations.**

According to the federal ADA, a disability is a physical or mental impairment that substantially limits one or more major life activities. If the Maine Secretary of State indefinitely suspends the driver's license of a person solely because that person has a diagnosis of sleep apnea and that person is unable to fulfill the treatment requirements established by the BMV despite having a safe driving record and that person lives in a rural part of Maine with no access to public transportation, then the Maine Secretary of State limits major life activities for that person because that person cannot access transportation to employment, stores to make essential purchases, medical appointments, and leisure opportunities and currently no reasonable alternative transportation accommodations exist in most rural areas of Maine. Federal law identifies disability as a protected class of citizens for whom it is unlawful for any federal, state, or local government agency to discriminate against. By establishing additional rules and requirements only applicable for Maine drivers that have a diagnosis of obstructive sleep apnea or other identified chronic medical conditions (eg. the requirement that these drivers submit a doctor's report annually to Maine BMV certifying compliance with the state's requirements for treatment of that condition) to maintain an active driver's license even for those drivers that have a safe driving record discriminates against drivers diagnosed with sleep apnea. **Under current policy, Maine drivers at risk for losing their driver's**

**license for choosing to break Maine's laws with actions such as drunk driving, reckless driving, or texting while driving are granted the right to a fair trial in a court of law independent from the executive branch before having their driver's license suspended. In contrast, current policy empowers officials in the Department of Maine's Secretary of State to suspend the driver's license indefinitely for someone diagnosed with sleep apnea solely for failing to comply with the Secretary of State's requirements for successful treatment with no opportunity for a fair hearing in an independent court of law.**

David Lynch  
Fryeburg

Please note that the written testimony below is the same as my PDF file - I just copied and pasted it here in case there was difficulty downloading my PDF.

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Summary of Current BMV Policy Regarding Obstructive Sleep Apnea and Maine Driver's Licenses that this Bill Seeks to change: Current Maine law provides wide latitude for Maine's Secretary of State, officials working under the Maine Secretary of State, and the Medical Advisory Board for the Maine Bureau of Motor Vehicles to develop and enforce rules for Maine citizens diagnosed with a large variety of medical and mental health conditions and disabilities, including obstructive sleep apnea, to obtain, renew, and avoid the suspension of a Class C Driver's license. Under the authority currently delegated to the Maine Secretary of State, BMV's Medical Advisory Board, and other designated officials by this statute, current written rules require the BMV to refuse to issue or to renew a Class C Driver's License and to suspend a Class C Driver's License that has already been issued if the driver has been diagnosed with Obstructive Sleep Apnea and is "non-responsive or non-adherent to therapy" as defined by Maine's Functional Ability Profile. Specifically, a driver is deemed "non-responsive or non-adherent to therapy" if they have 15 or more obstructive events per hour during sleep. If the driver requires use of a CPAP machine to reduce his/her obstructive events per hour to less than 15 (the standard treatment for Obstructive Sleep Apnea), then the driver is required to use the CPAP machine successfully for at least 4 hours a night 70% of the time. Current rules require the refusal to issue or to renew a Class C Driver's License and to suspend an already issued Class C Driver's License for all Maine drivers that are "non-compliant or non-adherent to therapy" even if that driver has a safe driving record with no history of accidents or near misses, no traffic violations, and the driver's physician has no concerns about the driver's safety. The Maine Bureau of Motor Vehicles Medical Review Section monitors all Maine drivers that have been diagnosed with obstructive sleep apnea by requiring the driver to submit documentation from his/her physician annually to demonstrate that the driver has complied with Maine's requirements for use of CPAP. The Maine Bureau of Motor Vehicles initially identifies Maine drivers that have a diagnosis of Obstructive Sleep Apnea by legally mandating all drivers with this diagnosis to self-report on their initial application or renewal application for a Class C Driver's License.

Part II: Arguments to Support Passage of LD 1398 and LD 1359

1) Fundamentally, this bill allows you to balance the need to maintain public safety on the road while protecting individual rights. This bill would only exempt those drivers holding a Class C Driver's License (not commercial drivers) with a safe driving record from the current BMV requirement to demonstrate and maintain "responsiveness and adherence" to sleep apnea therapy. Any driver diagnosed with obstructive sleep apnea that has demonstrated through their behaviors that they possess a risk to public safety when driving by having a history of a moving violation or other legal sanction for unsafe driving due to drowsiness, a history of causing an accident or near miss due to drowsiness, or a history of falling asleep while driving will still be required to demonstrate "responsiveness and adherence" to sleep apnea therapy per Maine's requirements to keep their driver's license. We live in a society that holds people accountable for their choices and behaviors, not their medical diagnoses and disabilities and Maine's policies need to reflect this value.

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3) Most other states do not require drivers diagnosed with Obstructive Sleep Apnea with a safe driving record to demonstrate compliance with treatment to maintain a basic driver's license (Class C driver's license in Maine). While many states, including Maine, require holders of a commercial driver's license (eg. truck drivers) to successfully treat Obstructive Sleep Apnea, this requirement makes sense because these are professional drivers that are driving large trucks, buses, or other large commercial vehicles for many hours a day. In contrast, a driver with a class C driver's license just has a standard driver's license that allows them to drive a car or other personal vehicle for personal use.

4) The current policy creates the unintended consequence of discouraging Mainers from obtaining a diagnosis of and treatment for sleep apnea thereby actually making Maine roads more unsafe. Sleep apnea is not narcolepsy and patients with sleep apnea do not typically fall asleep behind the wheel while driving. Most people that snore loudly while sleeping suffer from sleep apnea. According to Maine's Bureau of Motor Vehicles Medical Review Section, it is estimated that 25% of adult men in the United States suffer from Obstructive Sleep Apnea, although for many folks their sleep apnea has never been diagnosed and therefore remains untreated. As more Mainers learn that a diagnosis of Obstructive Sleep Apnea will cause them to be closely monitored for treatment compliance by the Maine Bureau of Motor Vehicles Medical Review Section for the rest of their lives if they continue to hold a Maine driver's license, many Mainers will likely avoid completing the necessary sleep study to obtain a diagnosis of Obstructive Sleep Apnea. If a Mainer does not complete the necessary sleep study to obtain the diagnosis of Obstructive Sleep Apnea, then that Mainer can avoid government monitoring and will have a much lower risk of having his/her driver's license suspended. I personally know several Mainers that likely struggle with sleep apnea that plan to not be tested and seek treatment for sleep apnea because they don't want to subject themselves to government monitoring and risk suspension of their drivers license.

5) Maintaining a driver's license is essential for the survival of many Maine residents that live in rural areas with no public transportation. Mainers in rural areas need a driver's license for transportation to/from their jobs, the ability to run essential errands, etc. The Maine Secretary of State suspending a person's driver's license solely because that person has a diagnosis of Obstructive Sleep Apnea and is not compliant or successful with treatment even if that person has a safe driving record causes significant unnecessary harm to those Maine residents.

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8) In a democratic republic, policies that can lead to the loss of essential opportunities necessary for survival (eg. transportation to a person's job, the grocery store, medical appointments, etc.) for Maine citizens should be made by elected officials that answer to Maine voters and not by unelected government bureaucrats and unrepresentative advisory boards. Officials in the Maine Secretary of State's Office and members of the BMV's Medical Advisory Board currently empowered to create policy for Maine drivers diagnosed with

Obstructive Sleep Apnea are not democratically elected officials. Additionally, the BMV's Medical Advisory Board which has sole authority to make policy recommendations to Maine's Secretary of State regarding regulation of drivers with medical conditions such as obstructive sleep apnea fails to adequately represent Mainers because this advisory board only comprises doctors and does not include other disciplines such as disability rights advocates or representatives of citizens with medical conditions affected by the policies made by this board. While I believe that the doctors comprising the BMV's Medical Advisory Board and other officials in the Maine Secretary of State's office make policy decisions based on good intentions, since they have no accountability to and do not represent the voting public, these officials are insulated from and unaware of the unintended harmful consequences of the policies that they pass. For these reasons, it would be unjust and an abdication of legislative responsibility for the Maine House and Senate to continue to defer to the Maine Secretary of State and the BMV's Medical Advisory Board on policy decisions governing Maine drivers diagnosed with Obstructive Sleep Apnea.

9) The current rules governing Maine drivers diagnosed with Sleep Apnea violate the federal Americans with Disabilities Act because these rules create discriminatory policies for obtaining and maintaining a valid driver's license that only applies to members of this protected class (citizens with the disability of obstructive sleep apnea). These rules unnecessarily and unjustly limit the ability of this group of Maine citizens to access basic opportunities essential for survival solely because of their disability while failing to provide reasonable alternative accommodations. According to the federal ADA, a disability is a physical or mental impairment that substantially limits one or more major life activities. If the Maine Secretary of State indefinitely suspends the driver's license of a person solely because that person has a diagnosis of sleep apnea and that person is unable to fulfill the treatment requirements established by the BMV despite having a safe driving record and that person lives in a rural part of Maine with no access to public transportation, then the Maine Secretary of State limits major life activities for that person because that person cannot access transportation to employment, stores to make essential purchases, medical appointments, and leisure opportunities and currently no reasonable alternative transportation accommodations exist in most rural areas of Maine. Federal law identifies disability as a protected class of citizens for whom it is unlawful for any federal, state, or local government agency to discriminate against. By establishing additional rules and requirements only applicable for Maine drivers that have a diagnosis of obstructive sleep apnea or other identified chronic medical conditions (eg. the requirement that these drivers submit a doctor's report annually to Maine BMV certifying compliance with the state's requirements for treatment of that condition) to maintain an active driver's license even for those drivers that have a safe driving record discriminates against drivers diagnosed with sleep apnea. Under current policy, Maine drivers at risk for losing their driver's license for choosing to break Maine's laws with actions such as drunk driving, reckless driving, or texting while driving are granted the right to a fair trial in a court of law independent from the executive branch before having their driver's license suspended. In contrast, current policy empowers officials in the Department of Maine's Secretary of State to suspend the driver's license indefinitely for someone diagnosed with sleep apnea solely for failing to comply with the Secretary of State's requirements for successful treatment with no opportunity for a fair hearing in an independent court of law.