

MAINE STATE LEGISLATURE

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State vehicles' Mileage Standards

LD 1711

Vehicles 1 " "

5 M.R.S.A. § 7

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June 23, 1977

Mr. Joseph Hochadel
Executive Department
State House
Augusta, Maine

Dear Mr. Hochadel:

This responds to your request regarding L.D. 1711. Specifically, you have asked whether the provisions of L.D. 1711, as it has been presented to the Governor, absolutely require that all vehicles purchased by the State meet federal fleet mileage standards. In your question you also particularly pose the example of State Police cars, vehicles which might be used for hauling trailers, and vehicles which are capable of use on rough terrain. The provision of L.D. 1711 which is in question amends 5 M.R.S.A. § 7 to add a new paragraph as follows:

"The Legislature finds that the energy crisis requires State Government to act as a leader in the conservation of energy. In order to achieve that end, it is necessary for the State to consume less energy, particularly in the area of transportation. The Legislature, therefore, declares it to be in the public interest that the fleet of new motor vehicles purchased for the travel of state employees meet the federal fleet mileage standards."

We construe the proposed language relating to fleet mileage standards as directory, not mandatory, as the Legislature is simply declaring a policy. Accordingly, while the State should attempt to meet the Legislature's goals, it could reasonably make exceptions such as State Police vehicles, vehicles which must haul trailers and necessary 4-wheel drive and rough terrain vehicles. Further, although we have not had time to research

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the matter in depth, it is our understanding that the federal government fleet mileage standards themselves contemplate exceptions in such areas for vehicles of similar uses which are required by the Federal Government.

I hope this information is helpful.

Sincerely,



DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: Honorable Richard S. Davies