

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1365

S. P. 445

In Senate, March 22, 1979

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

Presented by Senator R. Martin of Aroostook.

Cosponsor: Senator Ault of Kennebec.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Exempt Certain Transportation Statutes from the Administrative Procedure Act.

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

Whereas, it has become critical to exempt certain traffic regulatory activities from the provisions of the Administrative Procedure Act in order to assure adequate traffic safety; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

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

Sec. 1. 23 MRSA § 1351, as last amended by PL 1973, c. 537, § 25, is further amended by adding after the 4th paragraph a new paragraph to read:

Any rule or regulation relating to traffic control or the installation or maintenance of traffic control signals, devices or signs adopted pursuant to this section shall be exempt from the rule-making provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 2. 29 MRSA § 903, as amended by PL 1971, c. 593, § 22, is further amended by adding at the end a new paragraph to read:

Any regulation restricting the weight, equipment or use over any way or bridge issued pursuant to this section shall be exempted from the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 3. 29 MRSA § 948, as amended by PL 1971, c. 593, § 22, is further amended by adding after the 2nd paragraph a new paragraph to read:

Any throughway designation or sign erected pursuant to this section shall be exempt from the Administrative Procedure Act, Title 5, chapter 375.

Sec. 4. 29 MRSA § 1251, first ¶, as last amended by PL 1975, c. 315, is further amended by adding after the 2nd sentence a new sentence to read:

Any adjustment to the rate of speed established pursuant to this section shall be exempt from the provisions of the Administrative Procedure Act, Title 5, chapter 375.

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

STATEMENT OF FACT

The purpose of this legislation is to exempt several traffic regulation statutes from the requirements of the Administrative Procedure Act, Title 5, chapter 375.