

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 895

7 H.P. 626

House of Representatives, February 28, 1985

8 On Motion of Representative Theriault of Fort Kent, referred to the  
9 Committee on Transportation. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Bell of Paris.

11 Cosponsored by Representative Murray of Bangor, Senator Clark of  
Cumberland and Representative Mills of Bethel.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Concerning Private School Activity  
18 Buses.  
19

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

22 Sec. 1. 29 MRSA §2011, sub-§2, as amended by PL  
23 1975, c. 695, is further amended to read:

24 2. School bus. The term "school bus" shall in-  
25 clude every motor vehicle with a carrying capacity of  
26 10 or more passengers, whether publicly or privately  
27 owned, which is used to transport school children to  
28 and from school or to and from school activities for  
29 which such transportation is approved by the appro-  
30 priate school authorities, and to and from municipally  
31 operated activities or activities of a nonprofit  
32 corporation or association for which such transportation  
33 is approved by the appropriate school authorities. This definition shall not include private motor  
34 vehicles used to transport members of the owner's  
35 household, nor shall it include vehicles described in  
36 subsection 3.  
37

1       Sec. 2. 29 MRSA §2011, sub-§3 is enacted to  
2 read:

3       3. Private school activity bus. The term "pri-  
4 ivate school activity bus" shall mean a privately-  
5 owned motor vehicle with a carrying capacity of 15 or  
6 fewer passengers, which is not paid for in part or  
7 in whole with public funds, and which is used by a  
8 private school as defined in Title 20-A, section 1,  
9 subsection 22, to transport its students other than  
10 to and from home and school.

11       Sec. 3. 29 MRSA §2013, sub-§1, as amended by PL  
12 1983, c. 677, §1, is further amended to read:

13       1. Requirements. No person shall operate a  
14 school bus or a private school activity bus in the  
15 actual conveyance of school children until he shall  
16 have complied with the following requirements:

17       A. Hold a valid Maine operator's license for op-  
18 eration of the class vehicle to be operated and  
19 have at least one year's experience as a licensed  
20 motor vehicle operator in this or some other  
21 state;

22       B. Must be at least 18 years of age and has held  
23 an operator's license for at least one year;

24       C. Meet all special physical, mental and moral  
25 requirements established by the Commissioner of  
26 Educational and Cultural Services and must pass  
27 an annual physical examination, with the cost of  
28 such examination being borne by the employer;

29       D. Be qualified as a driver under the Motor Car-  
30 rier Safety Regulations of the Federal Highway  
31 Administration, if he or his employer is subject  
32 to those regulations;

33       E. Must pass an examination as the Secretary of  
34 State shall prescribe to determine his ability to  
35 operate the specific vehicle which will be driven  
36 as a school bus or any comparable type vehicle.  
37 A fee of \$8 shall accompany the initial applica-  
38 tion for the examination. The fee for subsequent  
39 examinations shall be \$5-; and

1 F. Shall not be a habitual offender, as defined  
2 in section 2292.

3 STATEMENT OF FACT

4 This bill exempts small vans or buses used by  
5 private schools from school bus identification and  
6 other standards, but only if they are not paid for  
7 with any public funds, and only if they are not used  
8 to transport students between home and school. The  
9 drivers of these vehicles must still obtain school  
10 bus driver's license endorsements.

11 Many of Maine's private schools own one or more  
12 vans or similar vehicles of between 10 and 15 passen-  
13 ger capacity. These vehicles cannot be used to ca-  
14 pacity under current laws as amended by 1984. Be-  
15 cause private schools do not receive a 90% state sub-  
16 sidy for purchase of school buses, most private  
17 schools cannot afford to replace their current fleet  
18 of small vans or buses. This bill permits use of  
19 these vehicles at full capacity while also ensuring  
20 that their drivers have school bus driver's license  
21 endorsements.

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