

MAINE STATE LEGISLATURE

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L.D. 2093

(Filing No. S- 332)

STATE OF MAINE
SENATE
113TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 796, L.D. 2093,
Bill, "AN ACT to Create a Single Point of Contact for
the Operators of Commercial Vehicles."

Amend the Bill in section 1 in the 6th line (page
2, line 4 in L.D.) by striking out the underlined
figures and word "1703 and 2703" and inserting in
their place the following: '1703, 2703 and 2704'

Further amend the Bill in section 3 in that part
designated "\$1703." in the first paragraph in the 4th
line (page 2, line 35 in L.D.) by inserting after the
underlined word "State" the following: ', acting with
the advice of the Commissioner of Transportation,'

Further amend the Bill in section 3 in that part
designated "\$1703." in the 3rd paragraph from the end
in the 11th and 12th lines (page 5, lines 7 and 8 in
L.D.) by striking out the words "based on mileage and
the number of officers assigned" and inserting in
their place the following: 'based on mileage and the
number-of-officers-assigned'

Further amend the Bill in section 5 in the last
paragraph by striking out all of the 3rd underlined
sentence.

Further amend the Bill by striking out all of
section 7 and inserting in its place the following:

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1 'Sec. 7. 29 MRSA §2706, as enacted by PL 1981,
2 c. 469, §2, is repealed.'

3 Further amend the Bill in section 8 in that part
4 designated "§2707." in the first paragraph, first line
5 (page 7, line 36 in L.D.) by striking out the word
6 "bureau" and inserting in its place the following:
7 'bureau Bureau of State Police'

8 Further amend the Bill in section 8 in that part
9 designated "§2707." in the 2nd paragraph, 6th and 7th
10 lines (page 8, lines 23 and 24 in L.D.) by striking out
11 out the words "Public Utilities Commission or" and
12 inserting in their place the following: 'Public
13 ~~Utilities-Commission-or~~'

14 Further amend the Bill in section 8 in that part
15 designated "§2707." in the 2nd paragraph, 5th line
16 from the end (page 8, line 38 in L.D.) by striking out
17 the words "Public Utilities Commission or" and
18 inserting in their place the following: 'Public
19 ~~Utilities-Commission-or~~'

20 Further amend the Bill in section 9 in that part
21 designated "§2708." in the first paragraph by striking
22 out all of the first underlined sentence and inserting
23 in its place the following: 'The Secretary of State
24 shall not register any motor vehicle required to
25 obtain an operating permit subject to this chapter nor
26 issue a permit covering the operation of any such
27 motor vehicle or vehicles, until the applicant for
28 that permit has procured a good and sufficient
29 insurance policy or indemnity bond, in such amount as
30 the Secretary of State prescribes, having as surety, a
31 surety company authorized to transact business in this
32 State or 2 responsible individuals, which bond shall
33 be approved by the Secretary of State, or a
34 declaratory judgment issued by the Interstate Commerce
35 Commission authorizing the motor carrier to self
36 insure.'

37 Further amend the Bill by striking out all of
38 section 13 and inserting in its place the following:

39 'Sec. 13. Transfer of functions; transition.
40 The following transfer of functions and transition
41 apply.'

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1 1. Functions transferred. This section provides
2 for the transition in transferring the administrative
3 functions and related rule-making authority for
4 issuing overweight and oversize permits from the
5 Department of Transportation to the Division of Motor
6 Vehicles; and transferring the administrative
7 functions and related rule-making authority for
8 issuing operating authority permits for persons, firms
9 or corporations transporting freight, merchandise,
10 household goods or passengers by motor vehicle for
11 hire from the Bureau of State Police to the Division
12 of Motor Vehicles. This establishes the Division of
13 Motor Vehicles, which already issues vehicle
14 registrations and licenses for fuel use reporting, as
15 a single point of contact for the administration of
16 licensing and permitting of commercial vehicles.

17 2. Funds transferred. Notwithstanding the Maine
18 Revised Statutes, Title 5, sections 1585 and 1586, all
19 accrued expenditures, assets, liabilities, balances,
20 appropriations or allocations, transfers, revenues or
21 other available funds in any account or subdivision of
22 an account of any unit of State Government related to
23 a function transferred by this Act shall be
24 transferred to the unit which receives the
25 responsibility for that function.

26 3. Transfer of employee benefits. Any employees
27 of any unit of State Government who may be transferred
28 to the Department of the Secretary of State, Division
29 of Motor Vehicles, shall be transferred with their
30 accrued rights and benefits. The accrued fringe
31 benefits, including vacation and sick leave, health
32 and life insurance, and retirement shall remain with
33 those persons.

34 4. Rules and procedures. All rules and
35 procedures relating to the functions transferred by
36 this Act currently in effect and in operation and
37 which are in compliance with this Act shall remain in
38 effect until rescinded or amended as provided by law.

39 5. Contracts and agreements. All contracts and
40 agreements currently in effect with respect to any
41 unit of State Government affected by this Act shall

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1 remain in effect until rescinded, terminated or
2 modified as provided by law.

3 6. Equipment and property transferred. All
4 equipment and property of the State used by employees
5 and officials of any unit of State Government related
6 to a function transferred by this Act shall be
7 transferred to the unit which receives the
8 responsibility for that function.

9 7. Organization and operation. Notwithstanding
10 any other provision of law, any appointment and
11 preparation work for the transfer of functions
12 required by this Act may be made or may occur prior to
13 the appropriate effective date of this Act, but shall
14 not become binding or take effect until the
15 appropriate effective date.

16 8. Financial order required. The Deputy
17 Secretary of State, the Commissioner of Public Safety
18 and the Commissioner of Transportation shall jointly
19 prepare a financial order to transfer the necessary
20 funds, positions, equipment and property to implement
21 this Act. They shall submit that order to the Budget
22 Office in a timely manner so that the transfer can be
23 carried out prior to February 1, 1989.

24 Sec. 14. Allocation. The following funds are
25 allocated from the Highway Fund to carry out the
26 purposes of this Act.

27		<u>1988-89</u>
28	<u>SECRETARY OF STATE, DEPARTMENT OF THE</u>	
29	Administration - Motor Vehicles	
30	Positions	(1)
31	Personal Services	\$14,039
32	All Other	35,000
33	Capital Expenditures	<u>3,750</u>
34	Total	\$52,789

35 Provides funds for a

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1 branch chief
2 supervisor position
3 and anticipated office
4 rental expenses to
5 assist in the proposed
6 transition period.

7 Sec. 15. Effective date. This Act shall take
8 effect July 1, 1989, except that sections 13 and 14
9 shall take effect February 1, 1989.'

10

STATEMENT OF FACT

11 This amendment retains the purpose of the bill to
12 provide a single point of contact for licensing and
13 permitting of commercial vehicles and makes some minor
14 changes. The amendment to section 1 of the bill
15 clarifies that the Secretary of State will collect all
16 fees relating to operating authority.

17 The amendment to section 2 ensures that the
18 Department of Transportation will be able to conduct
19 engineering reviews of proposed overload permits that
20 exceed the limits of the general guidelines.

21 The amendment to section 3 removes the limitations
22 on the establishment of escort fees and would allow
23 the State Police to consider all relevant criteria.

24 The amendment to section 5 allows the Secretary of
25 State to design operating permit applications without
26 the necessity of going through rulemaking.

27 The amendment to sections 7 and 8 deletes obsolete
28 language referring to the Public Utilities Commission
29 in Title 29, sections 2706 and 2707.

30 The amendment to section 8 identifies the Bureau
31 of State Police for clarity.

32 The amendment to section 9 allows the Secretary of
33 State to set liability insurance requirements without

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1 review by the Bureau of State Police.

2 The amendment adds a section dealing with the
3 transfer of functions and the transition. It is
4 understood that 3 positions will be transferred from
5 the Department of Transportation and 11 positions from
6 the Department of Public Safety to the Division of
7 Motor Vehicles, in addition to the new branch chief
8 supervisor position created in the Division of Motor
9 Vehicles by the allocation section.

10 Finally, the amendment adds an allocation and
11 modifies the effective date to allow 5 months start-up
12 time for the new person added to the Division of Motor
13 Vehicles to supervise this operation.

14

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Reported by Senator Theriault for the Committee on
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