

MAINE STATE LEGISLATURE

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L.D. 1301

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DATE: November 30, 1995

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST SPECIAL SESSION**

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SENATE AMENDMENT "A " to COMMITTEE AMENDMENT "A" to S.P.
477, L.D. 1301, Bill, "An Act to Transfer Oversight of Commercial
Driver Education Programs to the Secretary of State"

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Amend the amendment by inserting after the title the
following:

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'Amend the bill by inserting after the title and before the
enacting clause the following:

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

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'**Whereas,** this legislation has an effective date of January
1, 1996; and

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'**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, ' '

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Further amend the amendment on page 2 by striking out all of
the 5th indented paragraph (page 1, lines 20 to 22 in amendment)
and inserting in its place the following:

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'Amend the bill by striking out all of section 12 (page 4,
lines 32 to 37 in L.D.)'

SENATE AMENDMENT

B of 2

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 477,
L.D. 1301

2 Further amend the amendment on page 6 by striking out all of
subsection 5 (page 6, lines 7 to 28 in amendment) and inserting
in its place the following:

4 '5. License fees. Except as provided in section 1355,
6 license fees must be paid to the Secretary of State and deposited
8 to the Highway Fund. The following provisions and fees apply.

10 A. The fee for a commercial driver education school license
12 is \$250.

14 B. The fee for an instructor license is \$125.

16 C. Each license issued pursuant to this section expires one
18 year from the date of issuance. The fee for the renewal of
20 a commercial driver education school license is \$250. The
22 fee for the renewal of an instructor license is \$125.

24 D. A noncommercial driver education school is exempt from
the license fees required in this subsection. A driver
education teacher employed by and providing driver education
only in a school exempt from license fees in accordance with
this paragraph is also exempt from license fees required in
this subsection.

26 This subsection is repealed December 31, 1996.

28 5-A. License fees. Except as provided in section 1355,
30 license fees must be paid to the Secretary of State and deposited
into the Highway Fund. The following fees apply.

32 A. The fee for a driver education school license is \$125.

34 B. The fee for a driver education teacher or instructor
36 license is \$80.

38 C. Each license issued pursuant to this section expires one
40 year from the date of issuance. The fee for the renewal of
42 a driver education school license is \$125. The fee for the
44 renewal of a driver education teacher or instructor license
46 is \$80.

48 D. A noncommercial driver education school that offers
driver education for course credit and does not charge a fee
for driver education is exempt from the license fees
required in this subsection. A driver education teacher
employed by and providing driver education only in a school
exempt from license fees in accordance with this paragraph
is also exempt from license fees required in this subsection.

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SENATE AMENDMENT

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 477,
L.D. 1301

This subsection takes effect January 1, 1997.

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Further amend the amendment on page 7 by inserting after
subsection 9 the following:

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'Further amend the bill by inserting after section 13 the
following:

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'Sec. 14. 29-A MRSA §1355 is enacted to read:

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§1355. Collection of license fees

12

All fees collected for the 1996 license year must be
deposited in the Highway Fund except \$2,413 that is allocated to
the Department of Professional and Financial Regulation for the
purpose of administering the driver education program established
in section 1354 until May 1, 1996.'

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Further amend the amendment by striking out all of sections
17 and 18 and inserting in their place the following:

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'Sec. 17. Allocation. The following funds are allocated from
the Highway Fund to carry out the purposes of this Act.

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1995-96

1996-97

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**SECRETARY OF STATE, DEPARTMENT OF
THE**

28

Administration - Motor Vehicles

30

32	Positions - Legislative Count	(2.0)	(2.0)
	Personal Services	\$11,790	\$63,580
34	All Other	5,198	10,397
	Capital Expenditures	9,500	

36

Provides funds for one Driver
License Examiner position,
one Clerk IV position and
general operating expenses
required to administer the
driver education programs.

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**DEPARTMENT OF THE SECRETARY OF
STATE TOTAL**

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\$26,488

\$73,977

R 43

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Sec. 18. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Commercial Driver Education		
Personal Services	(\$349)	(\$420)
All Other	(6,061)	(7,490)
Deallocates funds to reflect the transfer of regulatory responsibility for commercial driver education to the Secretary of State.		
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	<u>(\$6,410)</u>	<u>(\$7,910)</u>

Further amend the amendment on page 10 by inserting after section 18 the following:

'Further amend the bill by striking out all of section 15 (page 9, line 11 in L.D) and inserting in its place the following:

'Sec. 15. Effective date. This Act takes effect January 1, 1996, except that the transfer of driver education programs to the Secretary of State takes effect May 1, 1996.

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

Further amend the amendment by striking out all of the fiscal note and inserting in its place the following:

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FISCAL NOTE

1995-96 1996-97

APPROPRIATIONS/ALLOCATIONS

Highway Fund	\$26,488	\$73,977
Other Funds	(6,410)	(7,910)

REVENUES

Highway Fund	\$38,000	\$38,000
Other Funds	(24,052)	(52,930)

Transferring the Commercial Driver Education Program to the Secretary of State will require additional Highway Fund allocations to the Bureau of Motor Vehicles of \$26,488 and \$73,977 in fiscal years 1995-96 and 1996-97, respectively. These allocations will provide funds for a Driver License Examiner position, a Clerk IV position and general operating expenses required to administer the program.

The additional collection of revenue along with the transfer of commercial driver education license fees to the Department of the Secretary of State will increase Highway Fund revenue by \$38,000 and \$38,000 in fiscal years 1995-96 and 1996-97, respectively.

Repeal of the Board of Commercial Driver Education will require deallocations of \$6,410 and \$7,910 in fiscal years 1995-96 and 1996-97, respectively. In addition, repeal of the board will result in a loss of \$24,052 and \$52,930 in dedicated revenues in fiscal years 1995-96 and 1996-97, respectively.

Repealing the Board of Commercial Driver Education will also result in the redistribution of the board's current share of fixed administrative and support service costs among the remaining agencies in the Department of Professional and Financial Regulation. The redistribution of these costs will result in increased costs of \$8,469 and \$47,491 of funds to be transferred from the remaining agencies on a pro rata basis, for fiscal years 1995-96 and 1996-97, respectively. A number of these agencies may not have adequate revenues to cover their increased share of fixed administrative and support services costs.

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 477,
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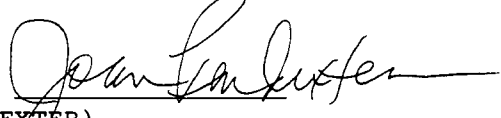
2 Removing the jurisdiction for the regulation of the
3 provision of driver education in school settings from the
4 Department of Education will result in minor administrative
5 savings to the department's Division of School Business Services.

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7 This bill may increase prosecutions for Class E crimes. If
8 a jail sentence is imposed, the additional costs to the counties
9 are estimated to be \$83.22 per day per prisoner. These costs are
10 not reimbursed by the State. The number of prosecutions that may
11 result in a jail sentence and the resulting costs to the county
12 jail system are expected to be insignificant.

13
14 The additional workload and administrative costs associated
15 with the minimal number of new cases filed in the court system
16 can be absorbed within the budgeted resources of the Judicial
17 Department. The collection of additional fines may increase
18 General Fund revenue by minor amounts.'

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22 **STATEMENT OF FACT**

23 This amendment restores the examination fee for a Class C
24 operator's license at \$10, continues the current exemption for
25 driver education teachers and noncommercial driver education
26 schools from license fees until January 1, 1997, reestablishes
27 license fees for commercial driver education schools and
28 instructors at \$250 and \$125, respectively, until January 1,
29 1997, reduces license fees for driver education schools and
30 instructors on January 1, 1997 and provides a delayed effective
31 date of May 1, 1996 for transferring oversight responsibility to
32 the Secretary of State.

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36 SPONSORED BY: 
37 (Senator PENDEXTER)
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39 COUNTY: Cumberland
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