

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1562

H.P. 1118

House of Representatives, June 5, 1995

**An Act to Implement the Recommendations of the Governor's Task
Force on Motor Carrier Safety Laws.**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook. (GOVERNOR'S BILL)
Cosponsored by Senator: PENDEXTER of Cumberland.

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

2
4 **Sec. 1. 5 MRSA §12004-G, sub-§33-C** is enacted to read:

6 **33-C. Motor Carrier Expenses 29-A MRSA**
7 **Transportation Review Board Only §562**

8
10 **Sec. 2. 29-A MRSA §558, sub-§1**, as enacted by PL 1993, c. 683,
11 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 **1. Violation.** A person commits a Class E crime if that
13 person violates or knowingly permits a violation of this
14 subchapter or a rule adopted pursuant to this subchapter.
15 Notwithstanding Title 17-A, section 1301, the minimum fine for a
16 violation of a state rule that adopts by reference the federal
17 regulations found in 49 Code of Federal Regulations, Parts 395.3,
18 395.8e and 395.8k is \$250.

20 **Sec. 3. 29-A MRSA §562** is enacted to read:

22 **§562. Motor Carrier Review Board**

24 **1. Establishment.** The Motor Carrier Review Board, as
25 established by Title 5, section 12004-G, subsection 33-C and
26 referred to in this section as the "board," is created to review
27 motor carriers whose Bureau of Motor Vehicle records indicate
28 significant and repeated motor carrier violations.

30 **2. Members.** The board consists of 7 members appointed by
31 the Governor to serve 3-year terms as follows:

34 A. One member who is a representative of the Maine Motor
35 Transport Association;

36 B. One member who is a representative of a motor carrier
37 that owns fewer than 10 commercial motor vehicles;

40 C. One member who is a representative of a motor carrier
41 that owns 10 or more commercial motor vehicles;

42 D. One member who is a representative of the Maine Forest
43 Products Council;

46 E. One member who is a representative of the commercial
47 motor vehicle insurance industry;

48 F. One member who is a representative of the Maine
50 Professional Drivers' Association; and

2 G. One member who is a resident of this State and who is
3 not and has never been employed in the motor carrier
4 industry.

5 The Governor shall name the chair from among the appointed
6 members.

7 3. Powers and duties. The board shall review the records
8 of motor carriers with significant and repeated motor carrier
9 violations. The board may hold a hearing as part of its review
10 and must hold a hearing if requested by the motor carrier. The
11 board may recommend to the Secretary of State that the motor
12 carrier's operating authority license be suspended.

13 4. Rules. The board may adopt rules pursuant to the Maine
14 Administrative Procedure Act to carry out the purposes of this
15 section.

16 5. Staffing and expenses. The Secretary of State shall
17 provide administrative support and compensation for actual and
18 necessary expenses of the board.

19 Sec. 4. 29-A MRSA §§1354 to 1357 are enacted to read:

20 §1354. Motor carrier training

21 Notwithstanding any other provision of law that regulates
22 instruction in the operation of motor vehicles, the Committee for
23 Motor Carrier Training, as established in section 1355, in
24 conjunction with the Maine Technical College System, shall
25 provide instruction in the operation of commercial motor vehicles.

26 §1355. Committee for Motor Carrier Training; established

27 There is established the Committee for Motor Carrier
28 Training, referred to in this subchapter as the "committee."

29 1. Members. The committee consists of 7 members.

30 A. The Governor shall appoint the following members for
31 3-year terms:

32 (1) Three representatives from the motor carrier
33 industry; and

34 (2) One member from the general public.

35 B. The following are also members:

2 (1) One representative of the Maine Technical College
3 System designated by the President of the Maine
4 Technical College System;

6 (2) One representative of the Bureau of Motor Vehicles
7 designated by the Secretary of State; and

8 (3) One representative of the Bureau of State Police
9 designated by the Chief of the State Police.

10 2. Chair. The members of the committee shall elect a chair
11 from among the members.

12 3. Powers and duties. The committee shall:

13 A. Ensure that individuals seeking to become commercial
14 vehicle operators have access to entry-level training
15 programs;

16 B. Provide for the delivery of continuing education in
17 motor carrier operations;

18 C. Establish appropriate standards for both entry-level
19 training and continuing education programs;

20 D. Oversee the provision of entry-level training and
21 continuing education programs;

22 E. Select and supervise a program director for entry-level
23 training and continuing education at each participating
24 campus of the Maine Technical College System according to
25 the hiring and personnel policies and procedures of the
26 system;

27 F. Approve the operating budget for entry-level training
28 and continuing education programs based on funds available
29 in the Motor Carrier Training Fund as established in section
30 1356;

31 G. Authorize tuition fees for local training programs
32 through the Maine Technical College System; and

33 H. Meet at least biannually.

34 **§1356. Maine Technical College System support**

35 1. Support. The Maine Technical College System shall
36 provide support to the committee as follows:

2 A. Administrative and financial services necessary for the
3 training authorized by the committee; and

4 B. Facilities and training equipment necessary for the
5 provision of instruction.

6
7 2. Fees prohibited. Unless authorized by the committee,
8 the Maine Technical College System may not charge the committee
9 or a student a fee.

10 **§1357. Motor Carrier Training Fund**

11
12 1. Fund established. Funds authorized by this section must
13 be collected by the State Tax Assessor and deposited with the
14 Treasurer of State in a separate account to be known as the Motor
15 Carrier Training Fund, referred to in this section as the "fund."

16
17 2. Premium tax. Every insurer or other entity that
18 transacts commercial automobile insurance or collects premiums or
19 assessments for such coverage in the State, whether on an
20 admitted or surplus lines basis, shall pay to the State Tax
21 Assessor, in addition to the taxes now imposed by law to be paid
22 by the insurers or entities, 0.3% of the gross direct premiums
23 for commercial automobile and physical damage risks written in
24 the State, less the amount of all direct return premiums and all
25 dividends paid to policyholders on direct commercial automobile
26 liability and physical damage premiums. The tax must be paid as
27 specified for insurance premium taxes in Title 36, section 2521-A.

28
29 3. Use of fund. The fund must be used to defray the
30 expenses of providing motor carrier entry-level training and
31 continuing education programs as approved by the committee.
32 Administrative expenses of the committee may be paid from the
33 fund.

34
35 4. Unexpended funds. Funds not expended by the end of the
36 fiscal year do not lapse but are carried forward.

37
38 **Sec. 5. Study concerning the opening of the York weigh station on a**
39 **full-time basis.** The Department of Transportation, the Bureau of
40 Taxation and the Bureau of State Police shall conduct a study to
41 explore the feasibility and impact of opening the York weigh
42 station located on Interstate 95 on a full-time basis. The study
43 must include an evaluation of the operational feasibility of
44 weighing commercial vehicles on a 24-hour basis at the existing
45 facility, the equipment and personnel needed, the impact on the
46 collection of fuel taxes, the impact of vehicles using alternate
47 routes on road surfaces and traffic patterns and the impact of
48 the port-of-entry concept on the commercial motor vehicle
49 industry. The Department of Transportation, the Bureau of
50

2 Taxation and the Bureau of State Police shall submit a report
including findings, recommendations and any proposed legislation
4 to the joint standing committee of the Legislature having
jurisdiction over transportation matters and the Executive
6 Director of the Legislative Council no later than January 31,
1996.

8
10 **STATEMENT OF FACT**

12 The bill affects the motor carrier industry in the
following ways.

14 1. It makes the mandatory minimum fine for log book and
over-hours violations \$250.

16 2. It creates the Motor Carrier Review Board to review
18 motor carriers whose Bureau of Motor Vehicle records indicate
significant and repeated motor carrier violations. The board may
20 recommend suspension of the motor carrier's operating authority
license to the Secretary of State.

22 3. It addresses motor carrier training by creating the
24 Committee for Motor Carrier Training. The committee will work in
conjunction with the Maine Technical College System to provide
26 entry-level training and continuing education to truck drivers.

28 4. It requires the Department of Transportation, the Bureau
of Taxation and the Bureau of State Police to conduct a study to
30 determine the feasibility of opening the York weigh station on
Interstate 95 full-time. The study must be completed and a
32 report given to the Legislature by January 31, 1996.