

MAINE STATE LEGISLATURE

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L.D. 1974

DATE: 4-27-06

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 1382, L.D. 1974, Bill, "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005 and June 30, 2006"

Amend the amendment by inserting after Part P the following:

PART Q

Sec. Q-1. 29-A MRSA §555, sub-§2, as amended by PL 1999, c. 183, §§2 and 3, is further amended to read:

2. Adoption of federal regulations. The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 383, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. The Maine Administrative Procedure Act does not apply to the adoption by reference of federal regulations under this subsection.

C. For every rule adopted under this subsection:

(1) The bureau shall file with the Secretary of State:

(a) A certified copy of the rule;

2 (b) A published copy of the federal regulation or
4 amendment as printed in the Federal Register; and

6 (c) Annually, a published copy of the updated
8 volume of the Code of Federal Regulations
containing the federal regulation~~+~~and.

10 The bureau shall make available for inspection at no charge,
and for copying at actual cost, a current published copy of
12 the referenced federal regulations.

14 D. The Secretary of State shall publish, pursuant to Title
5, section 8053, subsection 5, a notice containing the
following information:

16 (1) A statement that the rule has been adopted and its
18 effective date;

20 (2) A brief description of the substance of the rule
and the referenced federal regulation or amendment; and

22 (3) The addresses at which copies of the rule and the
24 federal regulation or amendment may be obtained~~+~~.

26 E. The Secretary of State shall maintain and make available
at the Secretary of State's office for inspection at no
28 charge, and for copying or purchase at actual cost, current
copies of these rules and include them within the
30 compilations subject to Title 5, section 8056, subsection 3,
paragraphs A-1 and B. The Secretary of State shall also
32 make available for inspection at no charge and for copying
at actual cost a current published copy of the referenced
34 federal regulations and amendments~~+~~and.

36 F. A rule adopted under this section may not take effect
until at least 5 days after filing with the Secretary of
38 State, except that, if the bureau finds that immediate
adoption of the rule is necessary to avoid an immediate
40 threat to public health, safety or general welfare, the
bureau may adopt the rule as an emergency rule in accordance
42 with Title 5, section 8054, and that rule takes effect
immediately.

44 **Sec. Q-2. 29-A MRSA §1252, sub-§1, ¶C,** as amended by PL 2001,
46 c. 486, §2, is further amended to read:

48 C. A Class C license may be issued for the operation of a
single vehicle or a combination of vehicles that does not
50 meet the definition of Class A or Class B license.

2 A holder of a Class C license may, with an appropriate
endorsement, operate all vehicles in that class.

4 A Class C license authorizes:

6 (1) A full-time or volunteer member of an organized
8 municipal, state or federal fire department to operate
10 fire apparatus as described in 49 Code of Federal
Regulations, Section 383.3 (2005);

12 (2) A person to operate recreational vehicles for
personal use;

14 (3) A person to operate military vehicles, including
16 National Guard vehicles, for military purposes as
18 required in 49 Code of Federal Regulations, Section
383.3 (2005);

20 (4) A person to operate registered farm motor trucks
22 bearing the letter "F" on the registration plate within
150 miles of the registered owner's farm; when the
24 vehicle is:

26 (a) Controlled and operated by a farmer,
including operation by employees or family members;

28 (b) Used to transport agricultural products, farm
30 machinery or farm supplies to or from a farm;

32 (c) Not used in the operation of a common or
contract motor carrier; and

34 (d) Used within 150 miles of the registered
36 owner's farm;

38 (5) A person, employed by a city, town, county,
district or other unit of local government created by
or pursuant to law that has a total population of 3,000
40 individuals or less, to operate a commercial motor
42 vehicle within the boundaries of that unit of local
government for the purpose of removing snow or ice from
44 a roadway by plowing, sanding or salting, if:

46 (a) The properly licensed employee who ordinarily
operates a commercial motor vehicle for those
48 purposes is unable to operate the vehicle; or

50 (b) The employing governmental entity determines
that a snow or ice emergency exists that requires

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additional assistance; or

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(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.'

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Further amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

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This amendment makes changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve approximately \$4,500,000 of federal highway funds. Specifically, this amendment makes state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The amendment further authorizes the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

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SPONSORED BY: 
(Senator SAVAGE)

32

COUNTY: Knox

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FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1974

LR 3082(18)

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

Fiscal Note for Senate Amendment "A" to Committee Amendment " B "

Sponsor: Sen. Savage

Fiscal Note Required: Yes

Fiscal Note

Avoids potential unbudgeted loss of federal funding for highway purposes

Fiscal Detail and Notes

In ensuring statutory compliance with the Federal Commercial Motor Vehicle Safety Act, this amendment avoids the annual loss of 5% of total Federal Highway Administration funding which is estimated to have a value of approximately \$4,500,000.