

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2119

S.P. 864

In Senate, May 23, 2006

**An Act To Comply with the Federal Commercial Motor Vehicle  
Safety Act of 1986**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SAVAGE of Knox. (GOVERNOR'S BILL)  
Cosponsored by Representative McKENNEY of Cumberland and  
Senator: DIAMOND of Cumberland, Representative: MARLEY of Portland.

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

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

4 **2. Adoption of federal regulations.** The bureau may adopt rules to incorporate by  
5 reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 383, 390,  
6 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal  
7 regulations. The following provisions apply to the adoption of federal regulations under  
8 this section.

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

11 C. For every rule adopted under this subsection:

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

13 (a) A certified copy of the rule;

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

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

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

20 D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection  
21 5, a notice containing the following information:

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

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

25 (3) The addresses at which copies of the rule and the federal regulation or  
26 amendment may be obtained; .

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

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

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

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

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

6 A Class C license authorizes:

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

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

11 (3) A person to operate military vehicles, including National Guard vehicles, for  
12 military purposes as required in 49 Code of Federal Regulations, Section 383.3  
13 (2005);

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

17 (a) Controlled and operated by a farmer, including operation by the farmer's  
18 employees or family members;

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

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

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

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

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

30 (b) The employing governmental entity determines that a snow or ice  
31 emergency exists that requires additional assistance; or

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

### 35 SUMMARY

36 This bill makes changes to ensure compliance with the federal Commercial Motor  
37 Vehicle Safety Act of 1986 to preserve receipt of federal highway funds. Specifically,  
38 the bill makes state law consistent with applicable federal regulations granting waivers  
39 from the commercial driver licensing requirements for persons operating fire apparatus,

1 military vehicles and farm trucks. The bill further authorizes the Department of Public  
2 Safety, Bureau of State Police to adopt by reference the federal regulations establishing  
3 minimum fines for out-of-service violations.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 122nd MAINE LEGISLATURE

LD

LR 3301(01)

**An Act to Comply with the Federal Commercial Motor Vehicle Safety Act of 1986**

**Fiscal Note for Original Bill**

**Sponsor: Sen. Savage**

**Committee: Not Referred**

**Fiscal Note Required: Yes**

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## 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 bill avoids the annual loss of 5% of total Federal Highway Administration funding which is estimated to have a value of approximately \$4,500,000.